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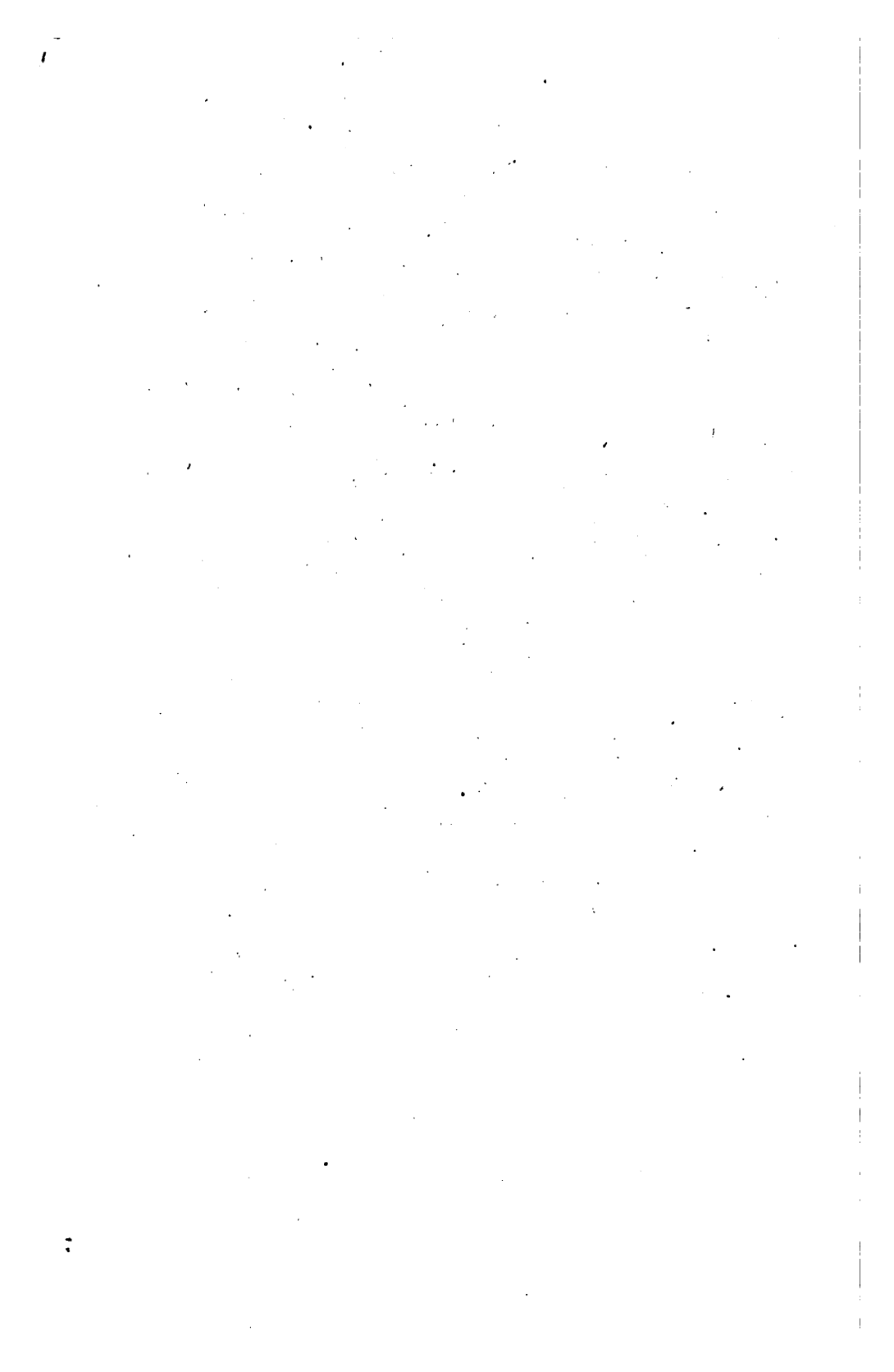
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C O N T E N T S .

NO.1.	Illinois.Statutes...Election	
	laws.....	1865
NO.2.	----- Election laws.....	1873
NO.3.	----- Election laws.....	1898
NO.4.	----- Illinois primary elec-	
	tion laws.....	1910





*Illinois. Statute*  
ELECTION LAWS

: 465.75

OF THE

STATE OF ILLINOIS,

TOGETHER WITH THE

REGISTRY LAW,

WITH SUITABLE FORMS AND INSTRUCTIONS

FOR CARRYING THE SAME INTO EFFECT.

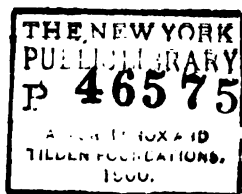
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1865.

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## P R E F A C E .

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EXTRACT OF AN "ACT FOR THE REGISTRY OF ELECTORS, AND TO PREVENT FRAUDULENT VOTING," APPROVED FEBRUARY 15, 1865.

"SECTION 17. The secretary of state shall cause this law to be printed in pamphlet form, with suitable forms and instructions for carrying it into effect, together with the general election law of the state, and a sufficient number of copies thereof sent to each county clerk in every county in this state to supply each of the officers named in this act with a copy. And it shall be the duty of each of said clerks to immediately transmit a copy of the same to each of the judges or inspectors of election in his county."

In accordance with the above quoted section, the following collation of the "Election Laws" of this State, as well as the "Forms and Instructions," have been made, and in compliance therewith this pamphlet is respectfully issued to the citizens of this State.

I have not considered it a part of either my duty or my privilege to attempt, here, any examination of the general law of elections, and have, therefore, confined the "Forms and Instructions" to the act, requiring them, known as the "Registry Law."

But having received numerous communications regarding the laws of Congress, concerning foreigners who fought in the army and navy, and concerning deserters therefrom, and thinking it due to our *citizens* that these laws should be generally known, I have quoted the section bearing thereon.

The term "town meeting," used in the "Registry Law," has occasioned considerable correspondence. For the definition of this term, and its uses, I respectfully refer to the "Compilation of the laws relating to Township Organization."

The FORM for "REGISTERS" is omitted, because the Blanks are herewith distributed, as required.

In the hope that this pamphlet may serve the purposes of the law, it is respectfully submitted.

SHARON TYNDALE,  
*Secretary of State.*



## ELECTION LAWS.

[*Revised Statutes, 1845. Chapter XXXVII.*]

### SECTION 1. [Repealed.]

§ 2. The clerks of the several county commissioner's courts shall, within eight days next after holding an election for electors, as is provided for in this chapter, make three copies of the abstract of votes for electors, and transmit by mail one of said copies to the governor or person administering the government, another to the office of the secretary of state, and retain the third in his office, to be sent for by the governor, in case both the others should be mislaid. Within twenty days after the holding of such election, and sooner if all the returns are received, by either the governor or person administering the government, or by the secretary of state, the secretary of state, auditor of public accounts and treasurer, or any two of them, shall, in the presence of the governor or person administering the government, proceed to open and canvass said election returns, and to declare the persons having the highest number of votes elected; but should any two or more persons be returned with an equal and the highest vote, the said secretary of state shall cause a notice of the same to be published in the paper printed by the public printer, which notice shall name some day and place, not less than five days from the time of the publication of such notice, upon which the said secretary, auditor and treasurer will decide, by lot, which of said persons so equal and highest, are elected; and upon the day and at the place so appointed in said notice, the said secretary, auditor and treasurer, or any two of them, shall, in the presence of the governor, or person administering the government, decide, by lot, which of the persons so equal and highest, shall be elected.

Duty of county clerks to return abstract of votes polled at presidential elections.  
1 Soam. R., 577.  
3 Ibid, 877.  
8 Ibid, 265 524.  
12 Ill. R., 285.

Canvass of the votes.

Tie vote.

§ 3. The governor, or person administering the government, shall cause the result of the said election to be published in the paper printed by the public printer, and shall transmit by mail to the persons elected, certificates of their election.

Result of election to be proclaimed by the governor.

§ 4. The electors chosen, as aforesaid, shall meet at the seat of government of this state, at the time appointed by the laws of the United States, and give their votes in the manner herein provided, and perform such duties as are or may

Meeting of presidential electors.

be required by law. Each elector shall receive for every twenty miles' necessary travel, in going to the seat of government to give his vote, and in returning to his residence, to be computed by the most usual route, the sum of three dollars, to be paid on the warrant of the auditor, out of any money in the treasury, not otherwise appropriated.

§ 5. In case any person, declared duly elected an elector of president and vice-president of the United States, shall fail to attend at the state house, at the seat of government of this state, at or before the hour of twelve o'clock at noon of the day on which his vote is required to be given, it shall be the duty of the elector or electors of president and vice-president, attending at that time and place, to appoint a person or persons to fill such vacancy: *Provided*, that should the person or persons, chosen by the people, as aforesaid, arrive at the place, aforesaid, before the votes for president and vice-president are actually given, the person or persons appointed to fill such vacancy, shall not act as elector of president and vice-president.

§ 6. [Repealed.]

Election dis-  
tricts.

§ 7. The county commissioners' courts of the several counties in this state, are hereby authorized to divide their respective counties into as many election precincts, for all general and special elections, as they may think expedient for the convenience of the voters of said county; and to appoint as many sets of judges of elections to receive votes at the county seats, as they may think necessary; and shall designate the house or place in each precinct, and in the precinct including the county seat, the house or houses, place or places, at which elections are to be holden; and the precincts and places of holding elections, so established, shall so remain until changed by the county commissioners' court. And all general and special elections shall be held at the places so designated, until changed, as aforesaid: *Provided, always*, that it shall be the duty of the county commissioners' court at any time to change any place of holding elections, upon a petition of a majority of voters residing within the precinct.

Place of voting.

Judges of elec-  
tion.

§ 8. The said county commissioners' courts shall, respectively, at the last stated term preceding any election, appoint three capable and discreet persons, possessing the qualifications of electors, to act as judges of the election in each election precinct; and the clerk of the said court shall make out and deliver to the sheriff of the county, immediately after the appointment of said judges, a notice thereof in writing, directed to the judges so appointed; and it shall be the duty of the said sheriff, within twenty days after the receipt of said notice, to serve said notice upon each of the said judges of election.

Clerks of elec-  
tion.

§ 9. The said judges of the election shall choose two persons, having similar qualifications with themselves, to

act as clerks of the election. The said judges of the election shall be and continue judges of all elections of civil officers to be held within their precinct, until other judges shall be appointed, as hereinbefore directed; and the said clerks of election may continue to act as such during the pleasure of the judges of election.

And the county commissioners' courts shall, from time to time, fill all vacancies which may take place in the office of judge of the election, in any election precinct within their respective counties. Vacancy in judgeship.

§ 10. The clerks of the several county commissioners' courts, shall, at least thirty days previous to any general election, and at least twenty days previous to any special election, make out and deliver to the sheriff of his county, three written notices thereof for each precinct, said notices to be, as nearly as circumstances will admit, as follows, to wit: Notice of election.

Notice is hereby given, that on Monday, the — day of — next, at the house of —, in — precinct, in the county of —, an election will be held for Governor, one Lieutenant Governor, one Representative to the Congress of the United States, one Senator, three Representatives in the General Assembly of this State, one Sheriff, one Coroner, three County Commissioners, etc., (as the case may require,) which election will be opened at 8 o'clock in the morning, and will continue open until 6 o'clock in the afternoon of said day.

Dated at —, this — day of —, in the year of our Lord, one thousand eight hundred and —, A — B —,

*Clerk of the County Commissioners' Court of — County.*

And the said sheriff, to whom such notices shall be delivered, as aforesaid, shall post up in three of the most public places in each precinct, the three notices referring to such precinct, at least fifteen days before the time of holding any general election, and at least eight days before the time of holding any special election.

Duty of sheriff to post election notices.

§ 11. If any person appointed to act as judge of the election, as aforesaid, shall neglect or refuse to be sworn or affirmed to act in such capacity, the place of such person shall be filled by any justice of the peace, residing within the precinct, to be nominated by the other judge or judges of the election; and if there be no other justice present to act as judge, the other judge or judges of the election shall nominate one or more capable and discreet elector or electors, residing within the precinct, to fill such vacancy or vacancies; and if there be no judge of the election present to fill such vacancy or vacancies by nomination, then such vacancy or vacancies shall be filled by the votes of such qualified electors, residing within the precinct, as may then be present at the place of election; and the justice or justices, person or persons, so elected or nominated to fill such vacancy or vacancies, shall be, and are hereby, vested with the same power as if appointed by the county commissioners' court.

Vacancy in judgeship, how filled.

§ 12. Previous to any votes being taken, the judges and clerks of the election shall severally take an oath or affirmation, in the following form, to wit:

Judges and clerks to take oath of office.

I, A—B—, do solemnly swear (or affirm, as the case may be,) that I will perform the duties of judge (or clerk, as the case may be,) according to law and the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same.

§ 13. In case there shall be no judge or justice of the peace present at the opening of the election, or in case such judge or justice shall be appointed a judge or clerk of the election, it shall be lawful for the judges of the election, and they are hereby empowered, to administer the oaths or affirmations to each other, and to the clerks of the election; and the person administering such oaths or affirmations shall cause an entry thereof to be made and subscribed by him and prefixed to the poll books.

When polls to be  
opened and  
closed.

§ 14. At all elections to be held under this chapter, the polls shall be opened at the hour of eight in the morning, and continue open until six o'clock in the afternoon of the same day, at which time the polls shall be closed.

*Provided, however,* That if no judge shall attend at the hour of eight in the morning, and it shall be necessary for the electors present to appoint judges to conduct the election, as hereinbefore prescribed, the election may, in that case, commence at any hour before the time for closing the polls shall arrive, as the case may require.

*And, provided, also,* that the judges of the election may, if they shall deem it necessary, for the purpose of receiving the votes of all the electors wishing to vote, postpone the closing of the polls until twelve o'clock at night.

And upon opening the polls, one of the clerks, under the direction of the judges, shall make proclamation of the same, and thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

§ 15. [Repealed.]

§ 16. [Repealed.]

Voting twice.

§ 17. If any elector shall vote more than once at any election held under the authority of this chapter, he shall be fined in the sum of one hundred dollars, to be recovered by indictment before any court of competent jurisdiction; and the whole of such fine shall be appropriated to the use of the county in which the offense may have been committed.

Challenges.

§ 18. [Repealed.]

§ 19. If any person so offering his vote, at such election, shall take such oath or affirmation, or shall offer to take such oath or affirmation, as prescribed in the preceding section, his vote shall be received, unless it shall be proved by evidence satisfactory to a majority of the judges, that such oath or affirmation is false; and if such person shall refuse to take such oath or affirmation, his vote shall be rejected; and if any person shall take the oath or affirmation, as is before named, knowing such oath or affirmation to be false, he shall be deemed guilty of willful and corrupt perjury, and punished accordingly.



§ 20. If any person shall vote at any election, who is not a qualified voter, he shall forfeit and pay any sum not exceeding fifty dollars, nor less than twenty-five, to be recovered in the same manner as other penalties under this chapter. Illegal voting.

§ 21. For the preservation of order, as well as the security of the judges and clerks of the election from insult and abuse, it shall be the duty of any constable or constables residing within the precinct, who shall be designated for the purpose, by the judges of the election, to attend at all elections within such precinct; and should no constable attend at such election, the judges of election are hereby authorized and empowered to appoint one or more special constables to assist in preserving order during the election; and the judges are hereby empowered to impose a fine, not exceeding twenty dollars, on any person or persons who shall conduct in a disorderly and riotous manner, and persist in such conduct after having been warned of its consequences, and on refusal to pay the same to commit him or them to the common jail of the county for any time not exceeding twenty days, or until the fine shall be paid; and the constable to whom the order shall be directed and the jailer of the county, are hereby required to execute such order, and receive such person or persons, so committed, as though it had been issued or delivered by a magistrate in due form of law. Constables to attend elections.

§ 22. The county commissioners' court in each county may, if necessary, appoint some constable to attend each precinct and preserve order during said election; and the said constable shall have authority to call to his aid a sufficient number of citizens to suppress any riot or other disorderly conduct during said election; and there shall be paid to said constable, out of the county treasury, a sum not exceeding one dollar a day for said services. Power of judges to fine for disorderly or riotous conduct.

§ 23. When the votes shall have been examined and counted, the clerks shall set down in their poll books, the name of every person voted for, written at full length, the office for which such person received such vote or votes, and the number he did receive, the number being expressed in words at full length; such entry to be made, as nearly as circumstances will admit, in the following form, to wit: Duty and power of constables.

At an election held at the house of —, in — precinct, in the county of —, and State of Illinois, on the — day of —, in the year of our Lord one thousand eight hundred and —, the following named persons received the number of votes annexed to their respective names, for the following described offices, to wit:

A — B —	had fifty-three votes for Governor.
C — D —	had fifty-one votes for Governor.
E — F —	had sixty-two votes for Lieutenant Governor.
G — H —	had sixty votes for Lieutenant Governor.
I — K —	had eighty votes for Representative in Congress.
L — M —	had seventy-three votes for Senator.
N — O —	had sixty-five votes for Representative.
P — Q —	had fifty-nine votes for Representative.
R — S —	had fifty-seven votes for Sheriff.

Election returns

T— U— had twenty-two votes for Coroner.

V— W— had thirty votes for County Commissioner.

(And in the same manner for any other persons or officers voted for.)

Certified by us,

A— B—,  
C— D—,  
E— F—,

} Judges of the Election.

Attest :—G— H—,  
I— J—, } Clerks of the Election.

§ 24. [Repealed.]

County canvassers of election returns.

§ 25. On the seventh day after the close of the election, or sooner, if all the returns be received, the clerk of the county commissioners' court, taking to his assistance two justices of the peace of his county, shall proceed to open the said returns and make abstracts of the votes in the following manner: The abstract of the votes for governor and lieutenant governor shall be on one sheet, and the abstract of votes for representatives to congress shall be on another sheet; and the abstract of votes for senator and representatives to the general assembly shall be on another sheet, and the abstract of votes for county officers shall be on another sheet; or, if the election shall have been holden for presidential electors, the abstract of votes shall be on one sheet; and it shall be the duty of the said clerk of the county commissioners' court immediately to make out a certificate of election to each of the persons having the highest number of votes for senator and representatives to the general assembly and county officers respectively, and to deliver such certificate to the person entitled to it, on his making application for that purpose to the clerk at his office.

§ 26. But where two or more counties are united in one senatorial or representative district, the clerk of the county commissioners' court of the county last established, shall, within twelve days after the day of the election, attend at the office of the clerk of the county commissioners' court of the senior county; and there, in conjunction with the clerk or clerks of the senior county or counties, shall compare the votes given in the several counties composing such senatorial or representative district; and said clerk shall, immediately, make out a certificate of the election of the person or persons having the highest number of votes in such counties for senator or representative to the general assembly; which certificate shall be delivered to the person entitled to it, on his application to the clerk of the county commissioners' court of the senior county, at his office; and it shall be the duty of the county commissioners' court of the county where the polls are so compared, to compute the number of miles each clerk or other person shall travel, in going and returning from the county where he is so appointed, to the place of comparing the polls; and it shall be the duty of the county commissioners' court, where the polls are so compared, to make an allowance to said clerks, or other persons who may take the vote of each county, as aforesaid, a compensation, not exceeding six cents per mile, going to and

returning from said place of comparing, to be paid equally out of the county treasuries of the respective counties in which said clerk or other person may be appointed; and it shall be the further duty of the county commissioners' courts when the polls are so compared, to make an estimate of all the expense so incurred by the counties respectively voting together, and divide the same among said counties so voting, respectively, and shall give to each clerk or other person a certified statement of the same, under the seal of said court; and it shall be the duty of the county commissioners' court of the county where said clerk or other person shall be appointed, on the production of said certified statement, to pay to said clerk or other person the amount which appears to be due him out of the county treasury.

§ 27. It shall be the duty of the clerk of the county commissioners' court in each county, on the receipt of the election returns of any general or special election, to make out his certificate, stating therein the compensation to which the judges and clerks of each election may be entitled for their services, and lay the same before the next commissioners' court of the county; and the said court shall order the compensation aforesaid to be paid out of the county treasury.

Certificate.

§ 28. If the requisite number of senators or representatives, or county officers, shall not be elected by reason of any two or more persons having an equal and the highest number of votes for one and the same office, the clerk or clerks whose duty it is to compare the polls, shall give notice to the several persons so having the highest and an equal number of votes, to attend at the office of the proper clerk, at a time to be appointed by the said clerk or clerks, who shall then and there proceed, publicly, to decide, by lot, which of the persons so having an equal number of votes shall be declared duly elected; and the said clerk or clerks shall make out and deliver to the person thus declared duly elected a certificate of his election as hereinbefore provided.

The vote for senator and representative.

§ 29. The clerk of the county commissioners' court, immediately after making out abstracts of votes given in his county, shall make a copy of each of said abstracts, and transmit it by mail to the office of the secretary of state; the abstract of votes for governor and lieutenant governor being addressed to the speaker of the house of representatives, and inclosed, with the other abstracts, to the secretary's office, as aforesaid; and it shall be the duty of the secretary of state, at the opening of the succeeding session of the general assembly, to deliver all such abstracts of votes for governor and lieutenant governor, or for either of them, to the speaker of the house of representatives.

Returns to be made by county clerks.

§ 30. The secretary of state, auditor, treasurer and attorney general, or any two of them, in the presence of the governor, shall proceed, within fifty days after the election, and sooner if all the returns be received, to canvass the votes

Canvass of the votes at the seat of government.

given for representatives to congress; and the governor shall grant a certificate of election to the person or persons having the highest number of votes, and shall, also, issue a proclamation, declaring the election of such person or persons. In case there shall be no choice, by reason of any two or more persons having an equal number of votes, the election shall be determined by lot under the direction of the governor, in the manner prescribed in the twenty-eighth section of this chapter.

Special messenger to be sent for returns in certain cases.

§ 31. If the returns of the election of any county in this state shall not be received at the office of the secretary of state, within thirty days after the day of election, the said secretary shall, forthwith, send a messenger to the clerk of the county commissioners' court of such county, whose duty it shall be to furnish the said messenger with a copy of such returns; and the said messenger shall be paid out of the state treasury the sum of ten cents for each mile he shall necessarily travel in going to and returning from the office of the said clerk.

Vacancies in the senate and house of representatives, how filled.

§ 32. When any vacancy shall happen in the office of senator or representative to the general assembly, by death, removal, or otherwise, it shall be the duty of the clerk of the county commissioners' court of the county, if one county only compose the senatorial or representative district, as soon as he shall have been informed thereof, to notify the governor of such vacancy; and if there be more than one county comprised within the limits of such senatorial or representative district, it shall be the duty of the clerk of the county commissioners' court of the senior county in such district, so to notify the governor; and the governor shall issue a writ of election, directed to the sheriff of the county in which such vacancy shall happen, commanding him to notify the several judges of election in his county, to hold a special election to fill such vacancy or vacancies, at a time to be appointed by the governor: *Provided*, that if there is to be no session of the general assembly between the happening of such vacancy and the time of the general election, it shall not be necessary to order a special election to fill such vacancy.

§ 33. Elections to fill vacancies in either branch of the general assembly, occurring during the sessions of the Legislature, may be held on such notice, not less than five nor more than twenty days, as the governor may direct in the writ of election issued to fill such vacancy.

Vacancies in office of sheriff or coroner, how filled.

§ 35. When any vacancy shall happen in the office of sheriff or coroner, either by death, resignation or otherwise, the clerk of the county commissioners' court in which such vacancy shall happen, shall immediately notify the governor of such vacancy; and it shall be the duty of the governor to issue a writ of election, and direct the time when such election shall be held; the said writ to be directed to the said clerk.

§ 36. When any vacancy shall happen in the office of representative to congress from this state, it shall be the duty of the governor to issue his proclamation, appointing a day to hold a special election to fill such vacancy.

Vacancy in congressional district, how filled

§ 37. If any judge of election or clerk, or any other officer or person, in any manner concerned in conducting the election, shall willfully neglect, improperly delay, or refuse to perform any of the duties required by this chapter, after having undertaken to perform such duties, he shall forfeit and pay to the state the sum of forty dollars; and if any such judge of the election, clerk, or other officer or person, in anywise concerned in conducting the election, shall knowingly admit any person to vote, not qualified according to law, or shall knowingly receive and count more than one vote from one person, at the same election for one office or shall be guilty of fraud, corruption or partiality, or manifest misbehavior in any matter or thing relating to said election, each and every person so offending, shall forfeit and pay to the county the sum of one hundred dollars, to be recovered in any court of record in the state, in the name of the state, for the use of the county, in an action of debt, with costs of suit, or at the suit of any person who may sue for the same, one-half for the use of the person suing, and the other half for the use of the county; and every such person so offending, as aforesaid, shall, moreover, on conviction, be rendered incapable of holding any office within this state for the term of ten years thereafter.

Neglect of duty and malfeasance of election officers.

§ 38. Nothing in this chapter shall be so construed as to prevent the judges of election from refusing to receive the vote of any person, when it shall be proved to the satisfaction of a majority of them that in taking the said oath he shall have sworn falsely. And if any judge of election shall order to be received the vote of any person who, being challenged, shall not take the oath or affirmation prescribed by law, such judge of election, so offending, shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, in the name of the state, or of any person suing therefor, the one-half of said fine for the use of the county, and the other half for the use of the person suing.

§ 39. [Repealed.]

§ 40. If the clerk of the county commissioners' court shall neglect or refuse to perform the duties, as pointed out in this chapter, he shall be liable to be indicted, and, on conviction, shall be fined in a sum not exceeding five hundred dollars and imprisoned not exceeding thirty days, and may be sued in an action of trespass on the case, for damages, not exceeding five hundred dollars, by the person injured by reason of the neglect or refusal of such clerk.

Neglect of duty by county clerk

§ 41. If any person shall mutilate or erase any name, or figure, or word, in a poll book taken or kept at any election, or if any person shall take away such poll book from the

Altering poll book.

place where it has been deposited for safe keeping, with an intention of destroying the same, or to procure or prevent the election of any person, or if any person shall destroy any poll book, so taken and kept at any election, he or she shall be liable to be indicted, and, on conviction, shall be fined five hundred dollars, and imprisoned not exceeding sixty days in the county jail.

Contested elec-  
tions.

§ 42. When any candidate shall desire to contest the validity of any election, or the right of any person declared duly elected to hold the office to which such candidate claims the right, such candidate shall give notice of his intention, in writing, to the person whose election he intends to contest, or leave a notice thereof at his usual place of residence, within thirty days after the day of election, expressing the points on which the same will be contested, the name of one of the justices of the peace who will attend at the taking of the depositions, the place where, and the time when the said depositions will be taken; which time, so fixed upon for the taking of the depositions, shall not exceed sixty days from the day of election.

§ 43. The party whose election is contested, may select another justice of the peace to attend at the trial.

Should the party whose election is contested refuse or neglect to select a justice, as aforesaid, the justice chosen by the person contesting the election, as aforesaid, shall make such selection for him.

The two justices so selected or chosen, shall make choice of a third justice; and if they cannot agree upon a third justice to act with them, they shall make such selection by lot; and the three justices, thus selected, or either of them, shall have power, and they are hereby authorized and required, to issue subpoenas and such other process as may be necessary to secure the attendance, at such trial, of all persons whose testimony may be required by either party, in the same manner as is provided in other cases of proceedings before justices of the peace.

§ 44. The said justices, or any one of them, shall, in all such cases, have power to issue subpoenas for witnesses to any county in this state, directed to the sheriff of such county, who shall make service and return as in other cases. And any witness, duly subpoenaed, refusing or neglecting to appear and testify, shall, in addition to the penalties otherwise imposed by law, forfeit and pay a fine of fifty dollars, to be recovered by action of debt, in any court having cognizance thereof, one half to the county and one half to the person suing for the same.

§ 45. The said justices, or any one of them, may issue attachments for witnesses so neglecting or refusing to attend, who may be brought before them; and at any time before the day for the decision of the question between the contesting parties, the said justices shall, at the request of

either, after giving notice to the other party of five days, if resident in their county, or ten days if residing out of their county, proceed to take the testimony of such witnesses, to be used in the case.

§ 46. If any justice of the peace, selected as aforesaid, to attend at the taking of the depositions, shall, without reasonable excuse, fail or refuse to attend at the time and place appointed, after having undertaken to attend, he shall forfeit and pay a fine of fifty dollars, to be recovered by action of debt, in any court having cognizance thereof, one half to the county, and the other half to the person who will sue for the same.

§ 47. The said justices shall hear and examine all the evidence offered on either side.

If the contest be respecting any county office, they shall decide which of the said candidates shall have been duly elected, and certify the same to the clerk of the county commissioners' court of the proper county, who shall thereupon make out and deliver to the successful party a certificate of his election. If such contest be respecting a seat in the Senate or House of Representatives of this State, the said justices shall hear and reduce to writing all the testimony taken in the case, and certify and transmit the same, under seal, together with all other papers and documents pertaining to the case, to the speaker of the senate, or house of representatives, as the case may be.

§ 48. No testimony shall be heard by the said justices on the part of the person contesting the election, which does not relate to the points specified in the notice.

Such justices shall have power to appoint a clerk, and may adjourn from day to day, until their duties shall be completed. They shall have the same power to preserve order, and to punish disorders and contempts, as justices of the peace may exercise, when holding court.

§ 49. In all contests for county offices, in which the justices hearing the case are authorized to decide, they shall enter judgment on the docket of the justice last chosen, for all the costs of such contest, against the unsuccessful party, upon which execution may issue as in other cases. Either party may appeal from the decision of such justices to the circuit court, as in other cases of appeal from the judgment of a justice of the peace, the decision of which court shall be final.

§ 50. In all contests other than for county offices, the proceedings for taking testimony hereinbefore provided, may be had in each county in which it is necessary to take testimony, and the like returns shall, in each case, be made.

In those cases in which the justices examining do not decide the contest, they shall not be compelled to certify or transmit the testimony and documents pertaining to the case, until the reasonable costs of the examination and of certify-

ing the same, are tendered or paid; and the party who is finally successful shall be liable for such costs to the person who shall have paid the same.

But if neither party shall require or cause such testimony and documents to be transmitted, then judgment may be entered, and execution had, as before provided, against the party at whose instance such examination was instituted.

Mode of election  
by the general  
assembly.

§ 51. In all elections by the general assembly, or by either house thereof, (elections of justices of the supreme court and judges of inferior courts excepted,) the members shall vote *viva voce*, and their votes shall be entered upon the journals. Elections by joint vote of the two houses, shall be made in the hall of the house of representatives, at such time as shall have been previously appointed by joint resolution of the two houses; and at all such joint meetings the speaker of the house of representatives shall preside. Elections of justices of the supreme court and judges of inferior courts, shall be made by joint ballot of both houses, in the hall of the house of representatives, the speaker of which shall appoint a member of each house to act as tellers. No person shall be declared duly elected by the general assembly, or either branch thereof, until he shall have received a majority of all the votes given, blank votes included.

Betting on elections.

§ 52. If any person shall, at any time hereafter, bet or wager any money, property or other valuable thing, upon the result of any election which may be held under the constitution or laws of this state, or shall bet or wager money, property or other valuable thing, upon the number of votes which may be given to any one or more persons, at any election held, as aforesaid, or upon who will receive the greatest number of votes at any such election; or, if any person shall agree to pay to any other person, any money, property or other valuable thing, in the event that any election, as aforesaid, shall result in one way, or in the event that any one or more persons shall or shall not be elected, or shall receive a greater number of votes than others, such person shall be liable to indictment, and, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars.

§ 53. It shall not be necessary to the commission of the offense specified in the foregoing section, that the money, property, or valuable thing bet or wagered, shall be exhibited or staked at the time of making such bet or wager, or at any other time.

APPROVED March 3, 1845.



AMENDATORY ACT, ESTABLISHING THE BALLOT SYSTEM, AND  
ADAPTING THE ELECTIONS TO THE NEW CONSTITUTION.

[Session Laws, February 12, 1849, Page 71.]

SECTION 1. That there shall be elected by general ticket, on the Tuesday next after the first Monday in November, preceding the expiration of the term of office of each president of the United States, as many electors of president and vice president of the United States as this state may be entitled to elect; which election shall be conducted, and returns thereof made, as hereinafter provided:

Presidential electors.

*Provided*, that if congress should hereafter fix a different day for such election, then the election for electors shall be held on such day as shall be named by act of congress.

Proviso.

§ 2. All general elections for the election of governor, lieutenant governor, secretary of state, auditor of public accounts, state treasurer, representatives to congress, senators and representatives to the general assembly and county officers, shall be held on the Tuesday next, after the first Monday in November, biennially, except for such officers as are directed to be chosen at other times than biennially; which elections shall be conducted as is directed by this act and the act to which this is an amendment.

Time of election of State officers

§ 3. That an election shall be held in this state on the first Monday of June, eighteen hundred and fifty-two, and every ninth year thereafter, for one judge of the supreme court, from the first grand division; on the first Monday of June, eighteen hundred and fifty-five, and every ninth year thereafter, for one judge of the supreme court from the third grand division; and on the first Monday of June, eighteen hundred and fifty-eight, and every ninth year thereafter, for one judge of the supreme court from the second grand division; and the present judges of the supreme court shall respectively hold their offices till the time fixed by this section for an election of a judge from the division for which such judge may have been elected.

Election for judges of supreme court.

§ 4. That on the first Monday of June, one thousand, eight hundred and fifty-five, and every sixth year thereafter, an election shall be held in each judicial circuit, for the election of a judge for such circuit:

For judges of circuit court.

*Provided*, that whenever an additional judicial circuit shall be created, the first election for a judge for such circuit shall be held at such time as the law creating such circuit shall direct, but whose term of office shall expire at the time fixed for the next regular election of judges for the judicial circuits of this state.

Proviso.

§ 5. That in case of any vacancy in the office of judge of the supreme or circuit courts of this state, within one year of the time fixed by this act for an election of such judge, it shall be the duty of the governor to appoint a judge to fill such vacancy, who shall hold his office till the time fixed by

Vacancies provided for.

this act for the election of judges for such court; but if any vacancy shall occur more than one year previous to the time fixed by this act for the election of such judge, it shall be the duty of the governor to issue writs of election to the several counties that may be entitled by law to vote for such judge, fixing the time for the holding of said election, and requiring said sheriffs to give twenty days' notice of the time and place of holding said elections; which elections shall be conducted in the same manner as if the election of such judge had taken place at the regular time fixed by law.

Proceedings in  
contested elec-  
tions.

§ 6. In case the right of any person claiming to be elected a judge of the supreme or circuit court shall be contested, the contest shall be conducted and the evidence taken in the same manner now provided by law for contesting the election of members of the general assembly, and the evidence when taken, if it relate to the election of a judge of the supreme court, it shall be transmitted to the speaker of the senate; and if it relate to a judge of the circuit court, it shall be transmitted to the clerk of the supreme court of the grand division in which a sitting of the supreme court is first directed to be held after such contest shall have commenced.

Vacancies, how  
filled.

§ 7. In case of any vacancy in the office of clerk of the circuit court, it shall be the duty of the judge of said court to appoint a clerk, who shall hold his office until the next regular election for county officers or members of the general assembly, whichever may first happen, at which election such vacancy shall be filled; and in case of a vacancy in the office of clerk in the supreme court in either of the grand divisions, the judges of the supreme court shall appoint a clerk, who shall hold his office until the time fixed by the constitution for the election of such clerk; and in case of a vacancy in the office of states' attorney, the governor shall appoint a states' attorney to fill such vacancy, who shall hold his office until the time fixed by the constitution for the election of states' attorneys; and in case of a vacancy in either of the offices of auditor, treasurer or secretary of state, the governor shall fill any such vacancy until the time fixed by the constitution for an election to fill such vacancy.

§ 8. The election of states' attorneys and clerks of the supreme court may be contested in the same manner as is provided for contesting the rights of judges of the circuit courts; and the election of clerks of the circuit courts may be contested in the manner provided for contesting the election of county officers.

*Provided*, any person whose election is proposed to be contested, shall be released from cost of such contested election by refusing to receive a certificate of the clerk of the county court of his election.

Returns, how  
made.

§ 9. Returns of the election of judges of the supreme court and circuit courts, secretary of state, auditor, treasurer, states' attorneys, and clerks of the supreme court, shall be

made and canvassed as is now provided by law for representatives in congress. Returns for clerks of the circuit court shall be made and canvassed as is now provided for other county officers.

§ 10. At any and all elections held in this state every white male citizen, above the age of twenty-one years, having resided in this state one year next preceding any election, and every white male inhabitant of the age aforesaid, who was a resident of this state on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, shall be entitled to vote at any election; but no person shall be entitled to vote except in the precinct, place or township where a poll shall be held, in which he shall actually reside at the time of such election: Qualifications of voters.

*Provided*, that when any such person shall offer his vote, and either of the judges of the election shall suspect that such person is not a qualified voter, or if his vote shall be challenged by any elector, the judge of the election shall tender to such person the following oath or affirmation: Provide.

You do solemnly swear (or affirm, as the case may be,) that you are a resident of this precinct, place, or township; that you are a citizen of this state, and have resided herein one year preceding this election, or that you was an inhabitant of this state on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight; that you are above the age of twenty-one years, and that you have not voted at this election. So help you God.

Every vote offered by any person who shall refuse to take the foregoing oath shall be rejected.

§ 11. That the county court, or the board doing county business in each of the several counties in this state, at their first meeting in each and every year, shall cause a suitable number of blank forms of poll books and election returns to be made out (headed and certified as the nature of the case may be) for each board of elections, in each precinct, township or place; which they shall cause to be delivered into the hands of the sheriffs respectively of said counties, whose duty it shall be to deliver them to the judges or boards of election, at least ten days previous to the election then to be held. Blank forms to be provided.

§ 12. Each qualified voter may vote once and no more; and if any person shall attempt to vote more than once, or to hand in two or more tickets folded together, every person so offending shall be liable to indictment, and, on conviction, shall be fined in any sum not exceeding fifty dollars. Restrictions.

§ 13. Every ticket handed in shall contain the name of every candidate such voter intends voting for, either in writing or print, designating the office to which he wishes each to be elected; and if more persons are designated for any office than there are candidates to be elected, such part of the ticket shall not be counted for either of them, but no vote shall be rejected for the want of form, if the judges or board of election can determine therefrom, to their satisfac- Form of votes.

tion, the person voted for, and the office which the voter intended such person should fill.

Ballot boxes.

How kept.

§ 14. That the county court, or board doing business, shall provide a sufficient number of ballot boxes, at the expense of the county, for the several boards or judges of election, to be kept by one of the judges or board, and to be delivered over to the successors of such judges or board, each of which said ballot boxes shall be furnished with a sufficient lock and key, and before any ballot shall have been deposited therein, the same shall be publicly opened and exhibited, to the end that the judges and clerks assisting at every election, may see that no ballot is in said box, after which the same shall be locked, and the key delivered over to one of the judges or board of election, and shall not be opened during the said election, except in the manner and for the purpose herein provided.

An opening shall be made in the top or lid of each of such ballot boxes, not larger than shall be sufficient to admit of a single closed ballot to be inserted therein at one time, through which each ballot received shall be inserted.

Method of voting.

§ 15. The method of voting shall be by ballot, which ballot shall be folded by the voter and delivered to one of the judges or board of election, who shall, without unfolding or opening the same in any manner, deposit the said ballot in said ballot box.

Proviso.

*Provided*, that no ballot shall be received or counted, unless the same is written or printed upon white paper, without any marks or figures thereon intended to distinguish one ballot from another.

Duty of clerks and judges.

§ 16. Each clerk of the election shall keep a poll list, which shall contain one column, headed "names of voters." The name of each elector voting shall be entered by each clerk, in regular succession, under the said heading in his poll list. At each adjournment of the polls, and upon the final closing of the same, the clerks shall, in the presence of the judges or board of election, compare their respective poll lists, and correct all mistakes that may be discovered, according to the decisions of the judges or board of election, until such poll lists shall be made to correspond in all respects; the ballot box shall then be opened and the said poll lists placed therein; the box shall then again be locked, and the seal of one or more of the judges shall be so placed thereon as entirely to cover the opening in the lid or top of said box; the key of said box shall then be delivered to one of the judges or board of election, and the box to another; the judge having the key shall keep the same in his own possession, and deliver it again to the board at the next opening of the poll; the judge having the box shall carefully keep it, without opening it or permitting it to be opened, or the seal thereof to be broken or removed, and

shall publicly deliver it, in that condition, to the board at the next opening of the polls.

§ 17. As soon as the polls at any election shall have finally closed, the judges, or board and clerks, may adjourn the counting and canvassing of the votes to some convenient hour of the next ensuing day, at which time they shall proceed to canvass the votes polled, by first counting the whole number of ballots in the box; if the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall be replaced in the box, and one of the judges shall publicly draw out and destroy so many ballots, unopened, as shall be equal to such excess, and the ballots or poll lists agreeing, or being made to agree, the board shall proceed to count and estimate and publish the votes.

Votes, how canvassed.

§ 18. As the judges or board of election shall open and read the tickets, each clerk shall carefully mark down the votes each candidate shall receive, in separate columns, prepared for that purpose, with the name of such candidate at the head of such column, and the office or place it is designed by the voters such candidate shall fill; but if, on such canvassing, two tickets shall be found deceitfully folded together they shall both be rejected as if the same had never been deposited in the ballot box.

Fraudulent votes—how disposed of.

§ 19. As soon as all the votes shall have been read off and counted, the judges or board of election shall make out a certificate, under their hands, stating the number of votes each candidate received, designating the office for which such person received such vote or votes, as is prescribed and directed by the twenty-third section of the thirty-seventh chapter of the Revised Statutes, entitled "Elections;" and the said certificate, together with one of the lists of voters and one of the tally papers, shall be put into the hands of one of the judges or board of election, who shall, within four days thereafter, deliver the same to the clerk of the county court or his deputy, at the county seat, or place of holding county courts; and when received, such clerk or deputy shall proceed to open, canvass and publish the return from each precinct, township or place, as is now provided by law.

Certificates.

§ 20. If any judge or the judges of any election shall refuse to receive the vote of any qualified elector who shall take, or offer to take, the oath prescribed by this act, in such case every judge, so refusing or neglecting to receive the vote or ballot, or opening or unfolding such ballot, when the same shall be presented, shall be liable to be indicted, and, on conviction, shall be fined five hundred dollars, and imprisoned not exceeding thirty days; and for every refusal or neglect to receive such vote, the party aggrieved may have an action on the case against the said judge or judges; the damages in such case shall not exceed the sum of five hundred dollars.

Penalty for refusal.

Sections repealed. § 21. Sections one, six, fifteen, sixteen, eighteen, twenty-four and thirty-nine of chapter thirty-seven of the Revised Statutes, entitled "Elections," approved March third, 1845, shall be, and the same is hereby repealed; and such sections of said act as are not herein repealed, shall remain in full force and effect.

#### AMENDATORY ACT.

[*Session Laws, February 23, 1847, Page 49, Section 1.*]

Judges of election increased. That the seventh section of the thirty-seventh chapter of the Revised Statutes of A. D. one thousand eight hundred and forty-five, be, and the same is hereby, so amended as to give the county commissioners of the several counties in this state power and authority to establish more than one set of judges of election in such precincts in their respective counties when, in their opinion, the same may be necessary for the purpose of receiving votes at all general or special elections; and the said county commissioners may appoint as many sets of judges of election, in any precinct in their counties, as, in their judgment, may be necessary for the convenience of the voters.

Restriction. *Provided*, they shall not establish more than one set of judges of election in any precinct where less than three hundred votes are usually polled at a general election.

#### VACANCIES IN CERTAIN COUNTY OFFICES, HOW FILLED.

[*Session Laws, November 6, 1849, Page 8, Section 1.*]

Duty of clerk That whenever a vacancy shall happen in the office of sheriff, county surveyor or coroner of any county of this state, by death, resignation or removal of any incumbent, it shall be the duty of the clerk of the county court of such county immediately to notify the governor of that fact, and Governor to issue writ. it shall be the duty of the governor to issue a writ of election to fill such vacancy, and direct the time of holding the same; which election shall be proceeded in as in other cases of election.

In force Feb. 21, 1861. AN ACT TO PREVENT ILLEGAL VOTING AT ELECTIONS.

Fines and penalties. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That to constitute residence, under the election laws of this state, a person shall have resided in the election precinct or district for the term of sixty days; and no person shall be entitled to

vote at any election under the laws of this state, excepting under charters for cities or incorporated towns, unless he shall have actually and in good faith resided in the election precinct or district in which he offers his vote, for sixty days immediately preceding such election; any law of this state to the contrary notwithstanding.

§ 2. Any person violating the provisions of this act shall be subject to all the fines, penalties and punishments that are now provided by law for illegal voting.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 21, 1861.

AN ACT TO PROVIDE FOR ASCERTAINING THE QUALIFICATION OF VOTERS AND TO PREVENT FRAUDULENT VOTING. In force Feb. 22, 1861.

WHEREAS the right of suffrage is the highest privilege of the citizen, and should be guarded with proper vigilance against intrusion and fraud; for the purpose, therefore, of ascertaining the persons who may be entitled to vote at the several elections held under the laws of this state, and to prevent illegal voting thereat,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That to constitute residence, under the constitution and election laws of this state, a permanent abode is necessary, and all elections, general or special, held in any town, city, district or ward, every person offering to vote, who is not personally known to the judges and inspectors of election to have such permanent abode, and to have resided in such election district for the space of sixty days, immediately preceding such election, shall, if his vote be challenged, take the oath now required by law, and, in addition thereto, swear or affirm to his place of residence, specifying the particular place and house in which he resides, and stating how long he has there resided, and his business or employment; and if he has not resided in such house for sixty days immediately preceding such election he shall state where and in what house he has resided for the last sixty days; and, in addition thereto, such voter, so challenged, shall be required to produce two witnesses, both of whom are personally known to said judges of said election and resident in the precinct, district or ward, or shall be proved by some legal voter or voters of the precinct or district in which such vote is offered to be voted therein, who shall be known to said judges, and each of whom shall take the following oath, to be administered by one of the judges of said election:

Residence  
defined. de-

**Form of oath.** "I do solemnly swear (or affirm, as the case may be,) that I am a resident of this election district and entitled to vote at this election, and that I have been a resident of this election district for one year last past, and that I am well acquainted with the voter whose vote is now offered; that he is an actual and *bona fide* resident of this election district, and that he has resided in this state for one year last past."

**Duty of judges of elections.** § 2. If any judge of any election shall permit any voter to vote, whose vote is so challenged, without the proof required in the first section of this act, or shall knowingly and willfully permit any person to testify as a witness, contrary to the provisions of this act, he shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in the sum of one thousand dollars and imprisoned in the county jail for six months.

**Punishment for perjury.** § 3. If any witness or voter, whose vote is so challenged, and sworn under the provisions of this act, shall, knowingly, willfully and corruptly swear falsely, he shall be deemed guilty of perjury, and, on conviction thereof, imprisoned in the penitentiary for any time not less than three nor more than twenty-one years.

**Illegal voting.** § 4. If any person shall vote more than once at any election, held under the authority of the laws of this state, or shall vote at any such election, who is not a qualified voter at the place where he so votes, or shall offer to vote, after having once voted at such election, he shall, on conviction thereof, be confined in the penitentiary for any term not less than one or more than five years.

**Indorsement of voter's number.** § 5. At all elections, general or special, in this state, where the vote is by ballot, if the judges of elections are satisfied, under the provisions of this act and the other laws of this state relating to elections, that the person offering the vote is a legal voter, he shall indorse on the back of the ticket offered the number corresponding with the number of the voter on the poll book, and put said ticket immediately in the ballot box, and the clerks of the election shall enter the name of the voter and his number in the poll book.

**Closing of the poll books.** § 6. At the close of the polls the poll books shall be signed by the judges and attested by the clerks; the names therein contained shall then be counted, and the number set down at the foot of the poll books.

**Preservation of ballots.** § 7. All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer or officers to whom by law they are required to return the poll books, and shall be delivered, together with said poll books, to said officer or officers, who shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them. And in all cases of contested election the parties contesting the same shall have the right to have the said package of ballots opened, and said ballots referred to by witnesses for the purpose of such contest. But said ballots shall



only be so examined and referred to in the presence of the officer having the custody thereof.

§ 8. The provisions of this act shall apply to all general and special elections, hereafter held in this state, whether for general town, municipal or other officers; and no person shall be considered, under any circumstances, as having a residence in any ward or election district or precinct, unless he shall have had a permanent abode therein for at least thirty days immediately preceding such election.

General and special elections.

§ 9. No liquor or other intoxicating drinks shall be sold or given away, at retail, nor shall any bar-room or place where intoxicating liquors or drinks are sold at retail be opened upon such election day; and it shall be the duty of the sheriff, constables, public officers and magistrates to see that the provisions of this section are enforced; and any violation of its provisions shall be prosecuted and punished in the same manner and to the same extent as the keeping of tippling houses open upon Sunday or the first day of the week is now punished by law.

Sale of liquors on election day.

§ 10. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1861.

AN ACT TO ENABLE THE QUALIFIED VOTERS OF THIS STATE, ABSENT THEREFROM IN THE MILITARY SERVICE OF THE UNITED STATES, IN THE ARMY OR NAVY THEREOF, TO VOTE.

In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* In time of war, every elector of the state of Illinois, in the actual military service of the United States, in the army or navy thereof, who shall be absent from the state of Illinois on the day of election, shall be entitled to vote at any election for state or county officers, held in this state, in the manner and form following:

Soldiers and sailors to vote.

§ 2. Such absent elector shall, by an instrument executed by him not more than sixty days previous to any general or special election to be held in this state, authorize and empower any elector of the town or city where the said absent elector shall reside on the day of said election to cast for him his vote or ballot, in the manner prescribed by this act, for all officers for whom he would have a right to vote if he were present at such election. Said instrument shall be signed by such absent elector, attested by a subscribing witness, and sworn to before any field officer, captain, adjutant, or commandant of any company, or detachment on detached service of the United States, and commissioned as officers in the volunteer force of the state of Illinois, or the captain or commandant of any vessel in the naval service of the United States, to which the said absent elector may belong or be

Attorney to vote.

attached. And such officers are hereby duly authorized to administer oaths for the purposes specified in this act, and they shall attach to their signatures their official designations.

Affidavit of elector.

§ 3. The said absent elector shall make and subscribe the following affidavit:

"I, A. B., do solemnly swear (or affirm) that I am a resident of the town, (city, ward or precinct, as the case may be,) of ..... in the county of ..... in the state of Illinois; that I am a citizen of the state of Illinois, and have resided therein for one year, next preceding the election to be held on the ..... day of ....., 18.., (or, as the case may be, that I was an inhabitant of the state of Illinois on the first day of April, A. D. 1843.) That I am above the age of twenty-one years. That I have been a resident for sixty days next preceding said election of said town, city, ward or precinct, and until said election intend to be a resident thereof. And I do further swear, that I am in the actual military (or naval) service of the United States; that I am now a member of company ..... of the .... regiment, (describing the organization to which he belongs,) now at or near ....., in the state (or territory) of ..... Sworn to and subscribed this .... day of ....., before me."

Votes to be inclosed and sealed.

§ 4. The said absent elector in the service aforesaid shall prepare and fold the ballot or ballots he designs to cast at such election, and inclose the same, together with the instrument in the second section of this act, [in] an envelope, duly sealed, having on the outside thereof, either written or printed, the affidavit prescribed in the third section of this act, sworn to and subscribed as therein required. The said envelope, prepared as aforesaid, shall be inclosed by him in another envelope, marked "soldier's vote," sealed and directed to the elector empowered by the instrument described in the second section of this act to cast the ballot of said absent elector; and the said absent elector may then transmit the same to the person to whom it is directed, by mail or otherwise.

How vote to be deposited.

§ 5. Such elector, upon receiving such letter from such absent elector, may open the outer envelope thereof, but he shall not open the inner envelope thereof. On the day of such election, and between the opening and closing of the polls thereof, he shall deliver such inner envelope to the judge or inspector of elections of the proper election district and at the polls thereof; and if the name of the person signing the affidavit on the outside of said envelope shall be found entered upon the register of electors of such district, as a duly qualified voter therein, said envelope shall be by said judges or inspectors publicly opened, and the votes or ballots therein contained shall be duly deposited in the appropriate boxes, prepared to receive the ballots of voters. And the name of such absent voter shall be entered upon the poll lists, together with the name of the person delivering the ballot at the polls. If such name shall not be found upon the register of electors of such district where such person claims to reside, such envelope shall not be opened unless an affidavit be made by a householder of the district to the effect that he knows that said person, whose vote is so offered, is a resident of said district. If such affidavit be made and delivered to the judges or inspectors, they shall

Envelope to be opened.

open said envelope and deposit the votes or ballots therein contained as aforesaid ; and the name of the person so voting shall be entered upon the poll lists, together with the name of the person delivering the ballot at the polls. The ballots contained in any such inner envelope which shall have been opened or unsealed before the same shall have been laid before the board of judges or inspectors of elections, shall not be deposited in any ballot box at such election, but shall be rejected.

When vote not taken.

§ 6. The affidavits and instruments described in the second and third sections of this act, and all envelopes containing "soldiers' votes" not opened at such elections, shall be kept and filed by the judges or inspectors of elections, in the same manner and place as the poll lists of such elections are required by law to be kept and filed.

§ 7. Every person who shall be entitled to receive any letter or envelope marked as herein provided, before he shall take away the same, shall sign and deliver to the postmaster, or his deputy, or clerk, a receipt therefor, which receipt shall specify how many such letters or envelopes he has received, and otherwise, as far as may be, specify the particulars of the description thereof ; and any willful omission to comply with the provisions of this section shall be adjudged a misdemeanor, and any person convicted thereof shall be punished accordingly.

How vote to be taken from post office.

§ 8. Any judge or inspector of election, and any elector to whom said ballot shall be sent, who shall willfully neglect or refuse to perform any of the duties required of him by this act, or in any manner willfully violate or abuse any trust or duty hereby imposed on him, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by fine not less than two hundred and fifty dollars, and by imprisonment in the county jail not less than four months.

Misdemeanor, how punished.

§ 9. Every person who shall be guilty of willful and corrupt false swearing or affirming, in taking any oath or affirmation prescribed by this act, shall be adjudged guilty of willful and corrupt perjury ; and every person who shall, knowingly and willfully, make or sign a false certificate to any instrument or affidavit authorized by this act, shall be deemed guilty of felony, and punished by imprisonment in the penitentiary not less than one year, nor more than five years.

Perjury punished.

§ 10. Every person who shall willfully deliver or present to the judges or inspectors of elections under this act, any forged, altered or changed ballot, envelope or instrument, required or provided for by this act, knowing the same to be so forged, altered or changed, or shall forge, alter or change, or cause to be procured, altered, forged or changed, or knowingly aid or assist in procuring or forwarding any forged, altered or changed ballot, envelope or instrument, required by the provisions of this act, shall be guilty of felony, and upon conviction, shall be punished by imprison-

Forged ballots.

ment in the penitentiary not less than one year, nor more than three years.

**Acts applicable.** § 11. All provisions of the laws of this state relative to general or special elections, not inconsistent with any of the provisions of this act, shall apply thereto.

**Blank forms and envelopes.** § 12. The secretary of state is hereby authorized and required to prepare and have printed, the necessary blanks, forms and envelopes required to carry out the provisions of this act, and shall cause the affidavit required by the third section of this act to be printed in blank, upon proper envelopes, to contain the instrument required by the second section of this act, and shall, at least two months previous to any election for state or county officers, cause such blanks, forms, envelopes and copies of this act to be forwarded to the several regiments from this state in the service of the United States, in the field, and to the several hospitals, posts and naval stations, in sufficient quantity to furnish one copy of each blank form, envelope, and copy of this act to each person in the actual military service of the United States, in the army or navy thereof, from this state, and absent therefrom.

**Punishment for interfering with voter.** § 13. Any officer of this state, or of the United States, in the army or navy thereof, or any other person who shall, directly or indirectly, control, or attempt to control, any such enlisted elector, in the exercise of any of his rights under this act, by menace, bribery, fear of punishment, hope of reward, or any other corrupt or arbitrary measure, or resort whatever, or to annoy, injure, or otherwise punish any such officer or man, for the manner in which he may have exercised any such right, shall be deemed guilty of an offense against the people of the state, which shall be punished as a misdemeanor, and for which he may be indicted and tried at any future time, when he may be found, within the limits of this state; and, upon conviction, he shall be imprisoned for a term not exceeding one year, and fined in a sum not exceeding one thousand dollars, and he shall also thenceforth be ineligible, after conviction thereof, to hold any office in this state.

§ 14. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1865.

## REGISTRY LAW.

AN ACT FOR THE REGISTRY OF ELECTORS AND TO PREVENT In force Feb. 15,  
FRAUDULENT VOTING. 1865.

SECTION 1. *Be it enacted by the People of the State of 1*  
*Illinois, represented in the General Assembly,* That the  
persons authorized by law, or appointed pursuant to any Board of registry  
town or city ordinance, to act as judges or inspectors of  
elections in any town, city, or ward, or other election district 5  
or precinct in this state, (except the moderator of the town  
meeting, in towns adopting township organization,) shall  
constitute a "board of registry" for their respective towns,  
cities, wards, districts or precincts, and shall meet on Tues-  
day, three weeks preceding any state, county, city or town 10  
election, (except "town meetings" in towns adopting the  
township organization law,) at nine o'clock A. M., and pro-  
ceed to make a list, as hereinafter prescribed, of all persons  
qualified and entitled to vote at the ensuing election in the  
election district of which they are judges or inspectors; 15  
which list, when completed, shall constitute and be known  
as the "register of electors" of said election district; and  
said board may continue their session, for the purpose of  
making said list, two days, if necessary: *Provided*, that at  
the last election in said district, prior to said meeting, the  
number of votes cast in said district exceeded two hundred.

List of voters to  
be made.

Proviso.

20

§ 2. Said registers shall each contain a list of the per- 1  
sons so qualified and entitled to vote in said election district,  
alphabetically arranged, according to their respective sur-  
names, so as to show, in one column, the name at full  
length, and in another column, in cities, the residence, by 5  
the number of the dwelling, if there be a number, and the  
name of the street or other location of the dwelling place  
of each person. It shall be the duty of said board to enter  
in said lists the names of all persons, residing in their elec-  
tion district, whose name appears on the poll list kept in 10  
said district at the last preceding election; in cities the  
number of the dwelling and name of the street or other  
location, if the same shall be known to, or can be ascertained  
by such board; and for this purpose, said board are author-  
ized to take from the office in which they are filed, the poll 15  
lists made and filed by the judges or inspectors of such

List of qualified  
voters in alpha-  
betic order.

Residence of vo-  
ters.

district, at the election held next prior to the making of such register. In making said list, the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on the poll list who have died or removed from the district shall be omitted from said register. The said board shall complete, as far as practicable, the said register on the day of their meeting, aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them. Within two days thereafter, the said original list, together with the list taken from the office, as aforesaid, shall be filed by said board in the office of the town clerk of the town in which said election district may be; but in counties not adopting township organization said list shall be filed with the judges or inspectors of election of the proper district, or if such election district is in a city, then it shall be filed in the office of the city clerk of said city; and one copy of said list shall be kept by each of said judges or inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion be posted in some conspicuous place where the last preceding election in said district was held, and be accessible to any elector who may desire to examine the same or make copies thereof. Any person who shall take down, tear down or deface any list, so posted, shall be deemed guilty of misdemeanor, and shall be punished by a fine of fifty dollars, or by imprisonment in the county jail for the term of sixty days, or by both fine and imprisonment. The board may, in their discretion, cause printed copies of said list to be posted up in such places as they may direct, and may cause the same to be published in some newspaper in the county in which such district is situated, at an expense not exceeding one cent for each name on said list.

§ 3. In case a new election district shall be formed by the organization of a new town, or by the division of any town or ward, or the incorporation of a city or town, the judges or inspectors of the election in the new district thus formed, may make their registry of electors on the day prescribed by this act, in such manner as a majority of them may direct, and for that purpose may make a list, or cause to be made, a certified copy of the poll list or lists of the districts in which such new district is situated, or they may dispense with such list or lists, and proceed to make a register of electors from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up and copies thereof made, as prescribed in the

20  
Names may be added to list.

25  
Copies of list.

30  
Lists, where filed

35  
Electors may examine lists or copy.

40  
Lists, how published.

45  
When new district is formed.

50  
Lists, how corrected.

preceding section, and shall be corrected in the same manner that other lists are corrected.

§ 4. The said board shall again meet on Tuesday of the 1 week preceding the said elections, in their respective election districts, at the place designated for holding the polls of the election, for the purpose of revising, correcting, and completing said lists, and for this purpose in cities, they shall meet at eight o'clock in the morning, and remain in 5 session until nine o'clock P. M. of that day, and the day following; and in other districts they shall meet at nine o'clock in the morning and remain in session until four o'clock, P. M. of that day.

§ 5. The proceedings of said board shall be open, and 1 all persons residing and entitled to vote in said district, shall be entitled to be heard by said board in relation to corrections or additions to said register. One of the lists so kept by the judges or inspectors, as aforesaid, shall be used by 5 them, on the day or days of making corrections or additions, for the purpose of completing the registry for such district.

§ 6. It shall be the duty of said board, at their meeting 1 for revising and correcting said lists, to erase therefrom the name of any person inserted therein, who shall be proved by the oath of two legal voters of said district, to the satisfaction of said board, to be non-resident of said district, or 5 otherwise not entitled to vote, in said district, at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on 10 said lists, shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at elections, and shall be subject to the same penalties for refusing to 15 give such information, or for falsely giving the same, and shall also be subject to challenge, either by the judges or inspectors, or either of them, or by any other elector whose name appears on said alphabetical list; and the same oaths may be administered by the judges or inspectors as now provided in case of persons offering to vote at an election; 20 and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

§ 7. After said lists shall have been fully completed, the 1 said board shall, within three days thereafter, cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district; one of which shall be filed in the office of the town 5 clerk of towns, and in the office of city clerks in cities; and

Revision of lists.

Proceedings to be open.

When names may be erased.

Refusal to give information.

Names may be added on oath of applicant.

Certified copies of lists.

Where filed.

- one of which copies shall be delivered to each of said judges or inspectors. It shall be the duty of the said judges or inspectors so receiving such lists, carefully to preserve the said lists for their use on election day, and to designate two of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register. No vote shall be received at any state, county, town or city election in this state, except at town meetings in towns adopting the township organization law, if the name of the person offering to vote be not on the said register, made on the Tuesday or Wednesday preceding the election, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating therein that he is an inhabitant of said district and entitled to vote therein at such election, and prove by the oath of a householder and registered voter of the district in which he offers his vote, that he knows such person to be an inhabitant of the district, and if, in any city, giving the residence of such person within said district. The oath may be administered by one of the judges or inspectors of the election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved and filed in the office of the town or city clerk, or in case there be no clerk, then said oath shall be filed with and preserved by the judges or inspectors of the proper district. Any person may [be] challenged, and the same oaths shall be put as now are or hereafter may be prescribed by law.
- § 8. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list, kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of the board in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter; and in all cases said clerk shall enter in a column opposite the name of each person not registered, the words "not registered." In cities, every elector, at the time of offering his vote, shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof. And the clerks of the polls, in case the name of such elector is not registered, shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of such an elector shall not be received. Any person who shall willfully make any false
- When vote shall be rejected.
- Oath of applicant to be filed.
- Where name of voter is not registered.
- When vote shall be rejected.



statement in relation thereto, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail 25 in the county for a period of ten days, or by both such fine and imprisonment.

§ 9. After the canvass of the votes, one of said poll lists 1 and said register so kept and checked as aforesaid, shall be attached together, and shall, on the following day, be filed 2 in the town or city clerk's office (as the case may be) in which said district may be, or in case there be no such clerk 5 then such poll lists and register shall be filed with and preserved by the judges or inspectors, to be used by the board of registry in making the list of voters at the next election; the other of said poll lists and registers, so kept and checked, (except in town and city elections,) shall be returned to the 10 office of the county clerk of the county in which said district may be, at the same time the returns of the election are made.

§ 10. The said board, may, if necessary, on the day or 1 days of the making and of the corrections of such lists, appoint a clerk to assist them in the discharge of their duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls or of 5 elections.

§ 11. The registers shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

§ 12. The members of the board of registration and their 1 clerks shall each receive the same compensation as is now allowed by law for judges or inspectors of elections, for each day actually employed in the making and completion of the registry, to be paid to them at the time and in the manner 5 in which they are paid their other fees.

§ 13. The said board shall have and exercise the same 1 power in preserving order at their meetings, under this act, as are given to judges or inspectors of elections for preserving order on election days; and vacancies in said board shall be filled in the same manner that vacancies are now filled 5 at elections.

§ 14. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where said registry is made, or who shall falsely personate any registered voter; and any person 5 causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished for each and every offense, by imprisonment in the state prison for not less than one year. All intentional false swearing before said board of registration shall be deemed willful and corrupt perjury, 10 and, on conviction, punished as such. If any member or officer of said board shall willfully violate any of the provi-

False statements  
—how punished

Poll books,  
where filed.

Board may ap-  
point clerk.

Registers open  
to inspection.

Pay of board  
and clerks.

Powers of board

Punishment for  
double regis-  
tration.

Willful violation  
by board, how  
punished.

sions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the state prison for not less than one year.

1 § 15. An act entitled "An act to prevent illegal voting  
Acts amended. at elections," approved February 21, 1861, and an act entitled "An act to provide for ascertaining the qualification of voters, and to prevent fraudulent voting," approved February 22, 1861, be and the same are hereby amended by striking out the words "*sixty days*" in said acts wherever the same occur, and inserting in the place thereof, the words "*thirty days*."

1 § 16. Section five of an act entitled "An act to provide  
Section 5 of act construed. for ascertaining the qualifications of voters, and to prevent fraudulent voting," approved February 22, 1861, shall be construed so as to require the number to be indorsed by the judges or inspectors of election on every ballot cast, and in all elections, general or special, in pursuance of any law of this state. After the opening of the polls no adjournment shall be had, nor shall any recess be taken until all the votes cast at such election shall have been counted and the result publicly announced: *Provided*, that judges and inspectors of elections shall each be allowed the sum of two dollars for each and every day's service by them performed under the requirements of this act.

1 § 17. The secretary of state shall cause this law to be  
Copies to be sent by secretary of state. printed in pamphlet form, with suitable forms and instructions for carrying it into effect, together with the general election law of the state, and a sufficient number of copies thereof sent to each county clerk in every county in this state to supply each of the officers named in this act with a copy. And it shall be the duty of each of said clerks to immediately transmit a copy of the same to each of the judges or inspectors of election in his county.

1 § 18. The necessary blanks for making the registers required by law shall be prepared by the secretary of state, and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

1 § 19. Nothing contained in this act shall be construed in  
Soldiers to vote. any manner to affect the provisions of any act that has been or may be passed at the present session of the general assembly, to enable the qualified electors of this state, absent therefrom, in the military service of the United States, in the army or navy thereof, to vote.

§ 20. This act shall be in force from and after its passage.

APPROVED February 15, 1865.

## INSTRUCTIONS.

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### DUTIES OF JUDGES, (OR "INSPECTORS.")

The three judges of election (appointed by the county court or constituted, by law, in counties now under township organization,) are made a "BOARD OF REGISTRY," respectively, at each poll in each precinct or ward.

#### IT IS THEIR DUTY,

*First:* To meet on Tuesday, three weeks before any election, at nine o'clock, A. M. (*See section 1, lines 9 to 13.*)

To obtain from the office of the county clerk the "poll lists," "of such precinct" or poll, "made and filed at the last election held in said precinct." (*See section 2, lines 14 to 16.*)

To appoint a clerk, if necessary, and cause him to take the oath required by the statute for clerks of election. (*See section 10.*)

To preserve order at their meetings, as prescribed in section 21 of Election Law of 1845, page 7. (*See section 13, lines 1 to 4.*)

*Second:* To make from the "poll lists" a "Register of Voters," which shall contain the names (alphabetically arranged) of each and every known voter now living in said precinct and entitled to vote at said poll. Said "Register" to be completed in one day, where the number of votes given at the last election was not more than two hundred (200,) and to be completed, including four (4) copies thereof, in two (2) days, in every other case. (*See section 1, lines 19 to 21.*)

To certify, in writing, upon each, that it is a "true list of the voters, in their precinct, entitled to vote at their poll, so far as known to them." (*See section 2, lines 24 to 28.*)

*Third:* Within two (2) days after completion [before Friday night]—

To leave with the clerk of the township, village or city, where such exist, the "poll lists," taken from the office of the county

clerk, and the "original Register of Voters;" and in precincts where there is no clerk of township, village or city, to leave the said "poll lists" and the "original Register" with one of the "judges of election."

To keep carefully, each, one copy of the "Register of Voters." (See section 2, lines 28 to 35.) [*This will in some cases give one of the judges the original and one copy of the "Register" and the "poll lists."*]

To post up in the most public and proper place, in the precinct, poll district, or ward, one copy of the "Register of Voters," so that any voter may examine it. [*The fine for tearing, defacing, altering or taking down this copy is fifty dollars (\$50,) and imprisonment sixty (60) days.*]

*Fourth:* To meet again on Tuesday, the next before the election, at eight o'clock A. M., at their respective polls, and publicly make all necessary corrections and additions to ONE of the COPIES of the "Register of Voters." (See sections 4 and 5.) [*Said corrections and the manner of making them are distinctly set forth in section 6, lines 1 to 7, and lines 10 to 13.*] But no name can be added, except upon the demand of the person himself, and then only after his making a *true* statement of where he lives, name of street, if in a city, and number of house, if numbered.

To prevent, as far as possible, in their power and knowledge, all and every fraudulent registry of any and every name; all and every duplicate registry of the same name to the same person, and all and every attempt at such frauds. (See section 6, lines 15 to 18, and section 14, lines 5 to 9.) [*The penalty for frauds of this kind is imprisonment for ONE YEAR.*] (See section 14, lines 1 to 9, and section 6, lines 14 and 15.)

To preserve order at their meetings, as prescribed in section 21 of Election Law of 1845, page 7. (See section 13, lines 1 to 4.)

*Fifth:* Within three (3) days after the completion of the *corrected* "Register of Voters," to make (or have made) four (4) copies of the *corrected* "Register;" to certify, in writing, upon each copy, that "it is a *correct list* of the voters of their precinct (or ward) at their poll."

To leave one of said "*correct lists*" with the town clerk, in counties with township organization, with the city clerk, or clerk of the village, where such corporations exist; with the county clerk where such do not exist.

To retain one copy, each, for his own use "on election day," and carefully preserve it, without blot, erasure or change. (*See section 7, lines 1 to 9.*)

*Sixth:* On "election day," before opening the polls—

To fill any vacancy which may be, or occur, in their number, (three) as prescribed in section 11 of Election Laws of 1845, page 5. (*See section 13, lines 4 and 5.*) [*There must in all cases be three "judges of election"—inspectors.*]

To select two of the judges, who shall "check," each on his own register, the name of each and every voter, immediately, when he has voted. (*See section 7, lines 10 to 13.*)

To mark upon each and every ballot its number, the same as shall be kept by the "clerks of election," and before depositing it in the box. (*See Election Law of 1861, page 22, and section 16, lines 4 and 5.*)

To preserve order at the polls, as prescribed in section 21 of Election Law of 1845, page 7. (*See section 13, lines 1 to 4.*)

To remain, at the polls, "*without adjournment or recess,*" until all the ballots cast shall have been counted, and the number of ballots "publicly announced." (*See section 16, lines 7 to 10.*)

To reject every Vote offered by any person whose name is not upon the "*Corrected Register*" UNTIL he "shall furnish, in writing, his affidavit that he is an inhabitant of said precinct, that he is entitled to vote at said poll;" and UNTIL he shall "prove by the oath of a householder," "who shall be a registered voter," (of the same precinct, and entitled to vote at the same poll,) that he is an inhabitant of said precinct and entitled to vote at said poll; and who shall also, correctly and truly, state where said person offering to vote resides, giving name of street, if in city, and number of house, if numbered. (*See section 7, lines 13 to 25.*)

To deliver said affidavit, immediately after election, and on the same day, to the clerk of the county, or town, or city, or village, as the case may require. (*See Instructions, Fifth, and section 7, lines 30 to 33.*)

*Seventh:* To reject the Vote of any and every person who shall "refuse to make a TRUE statement," when asked by any one having the right to demand it, and of any and every person who shall make a false statement, where he resides, giving the name of the street, if in a city, and the number of the house, if numbered.

(*Law of 1861, pages 21 and 22. See section 8, lines 20 to 23.*)  
 [*The penalty for making a false statement is a fine of fifty dollars (\$50,) and imprisonment ten (10) days.*]

*Eighth:* After the "canvass of votes," (as provided in the Statutes, page 19, section 17)—

To attach to each of the two registers, which are "*checked*," one of the poll lists (made by the clerk of *this* election.)

To leave one of said "*checked*" registers and poll lists with the clerk of the county, or "town," or city, or village, as the case may require. (*See Instructions, Fifth, and section 9.*)

To select one of the judges who shall retain one of said "*checked*" registers and poll list, and carefully keep it, without blot, erasure, or change, until the time shall arrive for making other "registers" for the next election. (*See section 9.*)

## FORMS.

OATH TO BE ADMINISTERED TO "PERSON REQUIRING HIS NAME TO BE ENTERED" ON THE REGISTER  
WHEN BEING REVISED AND CORRECTED.

You do solemnly affirm that you are above the age of twenty-one years; that you are a citizen of the State of Illinois; that you have permanently resided in this State during the past year; that you are a *bona fide* resident of this precinct, have resided during the last thirty days herein at the house of ....., in ..... street, at number ..... So help you God.

AFFIDAVIT OF "PERSON OFFERING TO VOTE," WHOSE NAME IS NOT "ON THE CORRECTED REGISTER."

STATE OF ILLINOIS, }  
..... COUNTY. } ss.

I, ....., do solemnly affirm that I am above the age of twenty-one years; that I am a citizen of the State of Illinois, and have resided permanently therein one year preceding this election; that I am a *bona fide* resident of this precinct, and have resided here-in permanently during the last thirty days; that I am entitled to vote at this poll; that I have not voted at this election; that my residence for the last thirty days has been and is now at the house of ....., in ..... street, and number ..... all of which is true. So help me God.

..... [L. S.]

The above affidavit of ..... is subscribed and sworn to before me, a ..... in and for the county and State aforesaid, this ..... day of ....., 186...

..... [L. S.]

NOTE.—This affidavit must be preserved and filed as required by law. (See section 7, lines 30 to 35.)

OATH TO BE ADMINISTERED TO "REGISTERED VOTER WHO SHALL BE A HOUSEHOLDER," EN-TITLED TO VOTE AT THE SAME POLL, TO PROVE THE RIGHT OF ANOTHER TO VOTE.

You do solemnly affirm that you know ....., the person now offering his vote, to be a *bona fide* resident of this precinct, and that you know he has resided herein during the last thirty days, and that he resides at the house of ....., in ..... street, and number ..... So help you God.

## LAWS OF CONGRESS.

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CHAPTER CC. "*An Act to define the pay and emoluments of certain officers of the army, and for other purposes,*" approved July 17th, 1862.

"SECTION 21. *And be it further enacted,* That any alien, of the age of twenty-one years and upwards, who has enlisted or shall enlist in the armies of the United States, either the regular or the volunteer forces, and has been or shall be hereafter honorably discharged, may be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become a citizen of the United States, and that he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and that the court admitting such alien shall, in addition to such proof of residence and good moral character as is now provided by law, be satisfied by competent proof of such person having been honorably discharged from the service of the United States, as aforesaid."

And, also,

CHAPTER LXXIX. "*An Act to amend the several acts heretofore passed to provide for the enrolling and calling out the National forces, and for other purposes,*" approved March 3d, 1865.

"SECTION 21. *And be it further enacted,* That in addition to the other lawful penalties of the crime of desertion from the military or naval service, all persons who have deserted the military or naval service of the United States, who shall not return to said service, or report themselves to a provost marshal within sixty days after the proclamation hereinafter mentioned, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship and their rights to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who, being duly enrolled, shall depart the jurisdiction of the district in which he is enrolled, or go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, duly ordered, shall be liable to the penalties of this section. And the President is hereby authorized and required forthwith, on the passage of this act, to



issue his proclamation setting forth the provisions of this section, in which proclamation the President is requested to notify all deserters returning within sixty days, as aforesaid, that they shall be pardoned on condition of returning to their regiments and companies, or to such other organizations as they may be assigned to, until they shall have served for a period of time equal to their original term of enlistment."

And on the 11th March, A. D. 1865, the President of the United States issued the following

#### PROCLAMATION.

Whereas the twenty-first section of the act of Congress approved on the third instant, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces and for other purposes," requires "that, in addition to the other lawful penalties of the crime of desertion from the military and naval service, all persons who have deserted the military or naval service of the United States who shall not return to said service, or report themselves to a provost marshal within sixty days after the proclamation hereinafter mentioned, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizen ship and their rights to become citizens, and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who, being duly enrolled, shall depart the jurisdiction of the district in which he is enrolled, or go beyond the limits of the United States with intent to avoid any draft into the military or naval service, duly ordered, shall be liable to the penalties of this section. And the President is hereby authorized and required forthwith, on the passage of this act, to issue his proclamation, setting forth the provisions of this section, in which proclamation the President is requested to notify all deserters returning within sixty days as aforesaid, that they shall be pardoned on condition of returning to their regiments and companies, or to such other organizations as they may be assigned to, until they shall have served for a period of time equal to their original term of enlistment."

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, do issue this my proclamation, as required by said act, ordering and requiring all deserters to return to their proper posts; and I do hereby notify them that all deserters who shall, within sixty days from the date of this proclamation, viz: on or before the 10th day of May, 1865, return to service, or report themselves to a provost marshal, shall be pardoned, on condition that they return to their regiments and companies, or to such other organizations as they may be assigned to, and serve the remainder of their original term of enlistment, and, in addition thereto, a period equal to the time lost by desertion.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of March, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the [L. S.] United States the eighty-ninth.

ABRAHAM LINCOLN /

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*

SEI

## C I R C U L A R .

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OFFICE OF SECRETARY OF STATE,  
SPRINGFIELD, ILL., *September 1, 1865.*

The number of communications, received at this office, asking for *Definitions* and *Constructions*, induce me to issue this GENERAL LETTER stating, that, whilst I may have, and do form, an opinion upon each and every question, any attempt at *decision* or *construction*, on my part, would be assumption, perhaps presumption.

Had we, for our State, an ATTORNEY GENERAL, all such questions would be quickly and with authority construed. But, not having an ATTORNEY GENERAL, all questions concerning definitions of words and sentences, in our laws, must be submitted to the Supreme Court of Illinois, the only department authorized to construe the laws of this State.

Very respectfully, your obedient servant,

SHARON TYNDALE,  
*Secretary of State.*

Illinois. Statutes  
General Assembly.

ELECTION LAWS

2.

OF THE

STATE OF ILLINOIS.

TOGETHER WITH THE

REGISTRY LAW,

WITH SUITABLE FORMS AND INSTRUCTIONS

FOR CARRYING THE SAME INTO EFFECT.

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PUBLISHED IN PURSUANCE OF LAW.

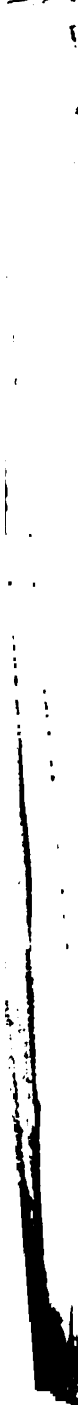
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SPRINGFIELD.  
ILLINOIS STATE JOURNAL JOB PRINT.  
1873.

SEH p-Box 2

1873.

~~672-27~~



## GENERAL ELECTION LAW.

AN ACT in regard to elections, and to provide for filling vacancies in elective offices. In force July 1, 1872.

### ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be elected, by general ticket, on the Tuesday next after the first Monday in November preceding the expiration of the term of office of each president of the United States, as many electors of president and vice president of the United States as this State may be entitled to elect; which election shall be conducted and returns thereof made as hereinafter provided: *Provided*, that if congress should hereafter fix a different day for such election, then the election for electors shall be held on such day as shall be named by act of congress. Electors of president and vice president of United States.

§ 2. The county clerks of the several counties shall, Duty of clerks within eight days next after holding an election for electors of president and vice president of the United States, as is provided for in this act, make three copies of the abstract of votes for electors, and transmit by mail one of said copies to the governor, another to the office of the secretary of State, and retain the third in his office, to be sent for by the governor in case both the others should be mislaid. Within twenty days after the holding of such election, and sooner if all the returns are received by either the governor or by the secretary of State, the secretary of State, auditor of public accounts and treasurer, or any two of them, shall, in the Abstract of votes—returns

presence of the governor, proceed to open and canvass said election returns, and to declare the persons having the highest number of votes elected; but should any two or more persons be returned with an equal and the highest vote, the said secretary of State shall cause a notice of the same to be published, which notice shall name some day and place, not less than five days from the time of the publication of such notice, upon which the said secretary, auditor and treasurer will decide by lot which of said persons so equal and highest is elected. And upon the day and at the place so appointed in said notice, the said secretary, auditor and treasurer, or any two of them, shall, in the presence of the governor, decide by lot which of the persons so equal and highest shall be elected.

Certificates of election.

§ 3. The governor shall cause the result of the said election to be published, and shall transmit by mail, to the persons elected, certificates of their election.

Meeting of electors.

§ 4. The electors chosen, as aforesaid, shall meet at the seat of government of this State, at the time appointed by the laws of the United States, and give their votes in, in the manner therein provided, and perform such duties as are or may be required by law. Each elector shall receive for every twenty miles necessary travel in going to the seat of government to give his vote, and returning to his residence, to be computed by the most usual route, the sum of three dollars, to be paid on the warrant of the auditor, out of any money in the treasury not otherwise appropriated.

Compensation of electors.

Failure of electors to attend

§ 5. In case any person declared duly elected an elector of president and vice president of the United States shall fail to attend at the State House, at the seat of government of this State, at or before the hour of twelve o'clock, at noon, of the day on which his vote is required to be given, it shall be the duty of the elector or electors of president and vice-president, attending at that time and place, to appoint a person or persons to fill such vacancy: *Provided*, that should the person or persons chosen by the people, as aforesaid, arrive at the place aforesaid before the votes for president and vice president are actually given, the person or

Vacancies, how filled.

persons appointed to fill such vacancy shall not act as elector of president and vice president.

**TIME OF HOLDING ELECTIONS FOR CERTAIN OFFICERS.**

§ 6. Representatives in congress shall be elected on Tuesday next after the first Monday in November, in the year of our Lord eighteen hundred and seventy-two, and every two years thereafter; but if congress shall fix a different day, then such election shall be held on the day so fixed by congress. Representat'rs in congress.

§ 7. The governor, lieutenant-governor, secretary of State, auditor of public accounts and attorney-general, shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter. State officers.

§ 8. The superintendent of public instruction shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-four, and every four years thereafter. Superintend't of public instruction.

§ 9. The State treasurer shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every two years thereafter. State treasurer

§ 10. The judges of the supreme court shall hereafter be elected as follows, to-wit: In the first, second, third, sixth and seventh districts on the first Monday of June, in the year of our Lord eighteen hundred and seventy-nine, and every nine years thereafter. In the fourth district, on the first Monday of June, in the year of our Lord eighteen hundred and seventy-six, and every nine years thereafter. In the fifth district, on the first Monday of June, in the year of our Lord eighteen hundred and seventy-three, and every nine years thereafter. Judges of the supreme co't

§ 11. A clerk of the supreme court in each grand division shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every six years thereafter. Clerk of the supreme co't

Judges of the  
circuit courts

§ 12. The judges of the circuit court shall be elected on the first Monday of June, in the year of our Lord eighteen hundred and seventy-three, and every six years thereafter.

Judges of su-  
perior court  
of Cook co.

§ 13. The judges of the superior court of Cook county shall be elected as follows: One on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-four, and every six years thereafter. One on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-six, and every six years thereafter; and one on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-eight, and every six years thereafter.

State senators.

§ 14. State senators shall be elected as follows, to-wit: Those in districts bearing even numbers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter. Those in districts bearing odd numbers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, for the term of two years. And after that they shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-four, and every four years thereafter.

Representatf's

§ 15. Members of the house of representatives shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every two years thereafter.

County judges  
and clerks.

§ 16 The county judges and county clerks shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every four years thereafter.

Sheriffs and  
coroners.

§ 17. The sheriffs and coroners shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every two years thereafter.

Circuit clerks

§ 18. The clerks on the circuit court shall be elected on Tuesday next after the first Monday of November, in the



year of our Lord eighteen hundred and seventy-two, and every four years thereafter.

§ 19. The clerk of the superior court of Cook county shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-five, and every four years thereafter. Clerks superior court of Cook county.

§ 20. The clerk of the criminal court of Cook county shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every four years thereafter. Clerk criminal court of Cook county.

§ 21. The county treasurers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every two years thereafter. County treasurers.

§ 22. The county surveyors shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-five, and every four years thereafter. County surveyors.

§ 23. The county superintendents of schools shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, and every four years thereafter. Superintendents of schools.

§ 24. A State's attorney shall be elected in each county on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter. State's attorneys.

§ 25. There shall be elected in each congressional district, on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter, one elector, to serve as a member of the State board of equalization. State board of equalization.

§ 26. In counties having a population of sixty thousand or more, there shall be elected a recorder of deeds, on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-two, and every four years thereafter. Recorder of deeds.

§ 27. In counties not under township organization, there shall be elected on Tuesday next after the first Monday of County assessors.

November, in the year of our Lord eighteen hundred and seventy-three, and every two years thereafter, a county assessor, who shall hold his office for two years, and until his successor is elected and qualified.

County commissioners.

§ 28. In counties not under township organization there shall be elected on Tuesday next after the first Monday of November, in the year of our Lord eighteen hundred and seventy-three, three officers, who shall be styled "The Board of County Commissioners," one of whom shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter, one such officer shall be elected in each of said counties, for the term of three years.

#### ELECTION PRECINCTS.

To remain until changed.

§ 29. The election precincts established in counties not under township organization, before the taking effect of this act, shall remain until changed by the county board.

Boundaries.

§ 30. The county board of such counties may, from time to time, change the boundaries of election precincts, and may erect and establish one or more new election precincts, and may designate and change the places of holding elections. All general and special elections shall be held at the places so designated.

Towns to constitute.

§ 31. In counties under township organization, each town shall constitute an election precinct, but the county board may divide any town into as many election districts as the convenience of the people may require, defining the same by distinct boundaries and numbers, and may, from time to time, designate the places at which elections shall be held. All general and special elections shall be held at the places so designated.

#### JUDGES AND CLERKS OF ELECTION.

County board to appoint.

§ 32. In counties not under township organization, the county board shall, annually, at its last regular session preceding the general election, appoint three capable and dis-

creet electors to act as judges of election in each election precinct, and may at any time fill vacancies.

§ 33. In counties under township organization, where <sup>When a p-</sup> the county board shall have divided a town into several <sup>ointed.</sup> election districts, in shall, at its last regular session preceding the general election, appoint three capable and discreet electors to act as judges of election in each election district in such town, and may at any time fill vacancies : *Provided*, that the supervisor, assessor and collector shall be designated as judges of election in the districts in which they respectively reside.

§ 34. Immediately on the appointment of such judges, <sup>Notice of ap-</sup> the county clerk shall make out and deliver to the sheriff <sup>pointment.</sup> of the county a notice thereof, directed to each person so appointed, and the sheriff shall, within twenty days after the receipt of such notices, deliver the same to the several judges so appointed.

§ 35. The judges so appointed shall be and continue <sup>To act until</sup> judges of all general and special elections held within their <sup>successors are</sup> respective precincts or districts, until other judges shall be <sup>appointed.</sup> appointed in like manner.

§ 36. If, at the time for the opening of any election, any <sup>Failure or re-</sup> person appointed or constituted a judge of election shall <sup>fusal to act.</sup> not be present, or will not act or take the oath to act in such capacity, the judge or judges present may appoint some other qualified elector to act in his place. If there be no judge of election present, or he refuses to act, such electors of the precinct or district as may then be present at the place of election, may fill the places of such judges by election from their number. The judges so appointed shall have the same power and be subject to the same penalties as other judges of election.

§ 37. The judges of election shall choose two persons <sup>Clerks.</sup> having similar qualifications with themselves to act as clerks of election, who may continue to act as such during the pleasure of the judges.

## OATH OF JUDGES AND CLERKS OF ELECTION.

Judges and  
clerks to take  
oath.

§ 38. Previous to any vote being taken, the judges and clerks of the election shall severally take an oath or affirmation, in the following form, to-wit:

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of judge of election (or clerk, as the case may be,) according to the best of my ability.

Judges to ad-  
minister oath

§ 39. In case there shall be no judge or justice of the peace present at the opening of the election, or in case such judge or justice shall be appointed a judge or clerk of election, it shall be lawful for the judges of the election to administer the oath or affirmation to each other, and to the clerks of the election; and the person administering such oath or affirmation, shall cause an entry thereof to be made and subscribed by him, and prefixed to each poll book.

## BALLOT BOXES AND POLL BOOKS.

Ballot boxes.

§ 40. The county board shall provide a sufficient number of ballot boxes, with secure locks and keys, at the expense of the county, for the several precincts and districts. There shall be an opening in the lid of each box not larger than is sufficient to admit a single closed ballot to be inserted therein at one time, through which each ballot voted shall be put into the box.

To be kept by  
judges.

§ 41. The ballot boxes shall be delivered to and kept by the judges of election, and by them kept and delivered over to their successors.

Poll books and  
blanks.

§ 42. The county clerk shall provide, at the expense of the county, proper blanks, poll books and other necessary election blanks for each precinct and district in his county, and cause a suitable number thereof to be delivered to the judges of election, at least ten days before any election is to be held.

**CONSTABLES APPOINTED TO ATTEND ELECTIONS—ORDER.**

§ 43. The county board may appoint one or more constables to attend each place of holding elections, and preserve order during the election; if no constable is appointed by the county board to attend any place of holding election, or if others shall be necessary to preserve order, the judges of election may appoint one or more constables for that purpose. County board to appoint.

§ 44. The judges of election may appoint any suitable person to act as a special constable during the election. Constables serving at such election shall be paid out of the county treasury, not exceeding two dollars per day for each day's service. How paid.

§ 45. Any constable attending such election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant. To suppress disorder.

**NOTICE OF ELECTION.**

§ 46. At least thirty days previous to any general election, and at least twenty days previous to any special election, except in cases otherwise provided for, the county clerk, in counties not under township organization, shall make out and deliver to the sheriff of his county, or in counties under township organization, to the several supervisors of his county, three notices thereof for each precinct or district in which the election in such county is to be held. The notice may be substantially as follows: Notice of election -- duties of clerk.

Notice is hereby given, that on (give the date,) at (give the place of holding the election and the name of the precinct or district,) in the county of (name of county,) an election will be held for (give the title of the several offices to be filled,) which election will be opened at eight o'clock in the morning and continue open until seven o'clock in the afternoon of that day.

Dated at ....., this .... day of ....., in the year of our Lord one thousand eight hundred and ....

*A B, County Clerk.*

Sheriff or supervisor to post notices.

§ 47. The said sheriff or supervisor to whom the notices are delivered, shall post up, in three of the most public places in each precinct or district, the three notices therefor at least fifteen days before the time of holding a general election, and at least eight days before the time of holding a special election.

#### CONDUCTING ELECTIONS—RETURNS.

Opening of the polls.

§ 48. The polls shall be opened at the hour of eight o'clock in the morning, and continue open until seven o'clock in the afternoon of the same day, at which time the polls shall be closed; but if the judges shall not attend at the hour of eight o'clock in the morning, or if it shall be necessary for the electors present to appoint judges to conduct the election, as hereinbefore prescribed, the polls may, in that case, be opened at any hour before the time for closing the same shall arrive; as the case may require.

Proclamation.

§ 49. Upon opening the polls one of the clerks or judges of election shall make proclamation of the same, and at least thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

Ballot box to be exhibited.

§ 50. Before any ballot shall be deposited in the ballot box, the ballot box shall be publicly opened and exhibited, and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls.

Poll list.

§ 51. Each clerk of the election shall keep a poll list, which shall contain a column headed "number," and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books by the clerks, in regular succession, under the proper headings, and the number of such voter placed opposite his name in the column headed "number."

Ballots.

§ 52. The manner of voting shall be by ballot. The ballot shall be printed or written, or partly printed and partly written, upon plain paper, with the name of each candidate

voted for, and the title of the offices. When the ballot is printed, the same shall be printed upon plain paper, in plain type, in straight lines, with a blank space below each name, of a width not less than equal to the width of the line in which the name is printed.

§ 53. The names of all candidates for which the elector intends to vote shall be written or printed upon the same ballot, and the office to which he desires each to be elected shall be designated upon the ballot.

All candidates  
to be on same  
ballot.

§ 54. In voting for representatives to the general assembly, if the voter intends to give more than one vote to any candidate, he shall express his intention on the face of the ballot, in words or figures, which may be done in either of the following forms: A B, C D, E F, which shall be held to mean one vote for each candidate named; or A B 1½ votes, C D 1½ votes; or A B 2 votes, C D 1 vote; or A B 3 votes.

Manner of vo-  
ting for rep-  
resentatives.

§ 55. The ballot shall be folded by the voter and delivered to one of the judges of election; and if the judges be satisfied that the person offering the vote is a legal voter, the clerks of election shall enter the name of the voter, and his number, under the proper heading in the poll books, and the judges shall indorse on the back of the ticket offered the number corresponding with the number of the voter on the poll books, and shall immediately put the ticket into the ballot box.

Number to be  
indorsed on  
ballot.

§ 56. After the opening of the polls no adjournment shall be had, nor shall any recess be taken, until all the votes cast at such election shall have been counted and the result publicly announced.

Adjournment.

§ 57. Immediately upon closing the polls, the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots if any be found upon which no number is made; if the number of ballots still exceeds the number of names entered on each of the poll lists, they shall be replaced in the box and the

Canvass of  
votes.

box closed and well shaken and again opened, and one of the judges shall publicly draw out and destroy so many ballots, unopened, as shall be equal to such excess; and the ballots or poll lists agreeing, or being made to agree, the board shall proceed to count and estimate and publish the votes; and when the judges of election shall open and read the tickets, each clerk shall carefully mark down upon the tally-list the votes each candidate receives, in a separate column prepared for that purpose, with the name of such candidate at the head of such column, and the office, designated by the votes, such candidate shall fill.

Irregular ballots.

§ 58. If more persons are designated for any office than there are candidates to be elected, or if more votes or parts of votes are designated on any ballot for representatives than the voter is entitled to cast, such part of the ticket shall not be counted for either of the candidates.

Ballots to be preserved.

§ 59. All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer to whom by law they are required to return the poll books, and shall be delivered, together with the poll books, to such officer, who shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning, without the package being previously opened: *Provided*, if any contest of election shall be pending at such time in which such ballots may be required as evidence, the same shall not be destroyed till such contest is finally determined.

Contested elections.

§ 60. In all cases of contested election, the parties contesting the same shall have the right to have the said package of ballots opened, and said ballots referred to by witnesses for the purpose of such contest. But said ballots shall only be so examined and referred to in the presence of the officer having the custody thereof.

Certificate of election.

§ 61. When the votes shall have been examined and counted, the clerks shall set down in their poll books the name of every person voted for, written at full length, the



office for which such person received such votes, and the number he did receive, the number being expressed in words at full length; such entry to be made, as nearly as circumstances will admit, in the following form, to-wit:

At an election held at . . . . , in . . . . , in the county of . . . . . , and State of Illinois, on the . . . . day of . . . . , in the year of our Lord one thousand eight hundred and . . . . , the following named persons received the number of votes annexed to their respective names, for the following described offices, to-wit: (name of candidate) had (number of votes) for (title of office,) (and in the same manner for any other persons voted for.) Certified by us:

A B, }  
C D, } *Judges of Election.*  
E F, }

Attest: G H, }  
I J, } *Clerks of Election.*

§ 62. Such certificate, together with one of the lists of voters and one of the tally papers, having been carefully enveloped and sealed up, shall be put into the hands of one of the judges or board of election, who shall, within four days thereafter, deliver the same to the county clerk or his deputy, at the office of said county clerk; and when received, such clerk or deputy shall proceed to open, canvass and publish the return from each precinct or election district, as provided by law. Returns to be delivered to county clerk.

§ 63. The judges and clerks of election shall be allowed the sum of three dollars each per day for their services in attending each election, and the judge who carries the said returns to the county clerk shall also receive five cents per mile, each way. Per diem of judges.

§ 64. The judges of election shall allow at least one, and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, into the room where the election is held, to act as challengers of voters at such election; and such challengers may remain with the board of election until the votes are all canvassed and the result declared. Challengers.

#### QUALIFICATION OF VOTERS.

§ 65. Every person having resided in this State one year, in the county ninety days, and in the election district Residence.

thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

Permanent  
abode.

§ 66. A permanent abode is necessary to constitute a residence within the meaning of the preceding section.

Voter to make  
affidavit.

§ 67. Whenever, at any general or special election, in any precinct, district, city, village, town or ward, any person offering to vote is not personally known to the judges of election to have the qualifications mentioned in the two preceding sections, if his vote is challenged by a legal voter at such election, he shall make and subscribe an affidavit, in the following form, which shall be retained by the judges of election, and returned by them with the poll books:

STATE OF ILLINOIS, }  
County of..... } ss.

Form of oath

I, ....., do solemnly swear (or affirm) that I am a citizen of the United States, (or, "that I was an elector on the first day of April, A. D. 1849," or, "that I obtained a certificate of naturalization before a court of record in this State prior to the first day of January, A. D. 1870," as the case may be,) that I have resided in this State one year, in this county ninety days, and in this election district thirty days next preceding this election; that I now reside at (here give the particular house or place of residence, and, if in a town or city, the street and number,) in this election district; that I am twenty-one years of age, and have not voted at this election, so help me God, (or, "this I do solemnly and sincerely affirm," as the case may be.)

.....  
Subscribed and sworn to before me, this.... day of ....., A. D. 18..

Witness.

§ 68. In addition to such an affidavit, the person so challenged shall produce a witness, personally known to the judge of election, and resident in the precinct or district, or who shall be proved by some legal voter of such

precinct or district, known to the judges, to be such, who shall take the oath following, viz :

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident herein for one year last passed, and am well acquainted with the person whose vote is now offered; that he is an actual and *bona fide* resident of this election precinct (or district), and has resided herein thirty days, and, as I verily believe, in this county ninety days, and in this State one year next preceding this election. Oath.

§ 69. The oath, in each case, may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Administrat'n of oath.

§ 70. No person who has been legally convicted of any crime, the punishment of which is confinement in the penitentiary, shall be permitted to vote at any election, unless he shall be restored to the right to vote by pardon. Convicts.

#### CANVASSING VOTES—CERTIFICATE OF ELECTION.

§ 71. Within seven days after the close of the election, the county clerks of the respective counties, with the assistance of two justices of the peace of the county, shall open the returns and make abstracts of the votes in the following manner, as the case may require: Of votes for governor and lieutenant governor, on one sheet; of votes for other State officers, on another sheet; of votes for presidential electors, on another sheet; of votes for representatives to congress, on another sheet; of votes for judges of the supreme court, on another sheet; of votes for clerks of the supreme court, on another sheet; of votes for judges of the circuit court, on another sheet; of votes for senators and representatives to the general assembly, on another sheet; of votes for members of the State board of equalization, on another sheet; of votes for county officers, on another sheet. The foregoing abstracts shall be preserved by the county clerk in his office. Abstracts of votes.

§ 72. The county clerk shall make out a certificate of election to each of the persons having the highest number Certificate of election.

of votes, for the several county offices, and deliver such certificate to the person entitled to it, on his application.

Tie vote.

§ 73. When two or more persons receive an equal and the highest number of votes for an office to be filled by the county alone, the county clerk shall issue a notice to such persons of such tie vote, and require them to appear at his office, on a day named in the notice, within ten days from the day of election, and determine by lot which of them is to be declared elected.

Decided by lot

§ 74. On the day appointed, the clerk and other canvassers, or, in case of their absence, the State's attorney or sheriff shall attend, and the parties interested shall appear and determine by lot which of them is to be declared elected; and the clerk shall issue his certificate of election to the person thus declared elected.

Compensation  
of judges and  
clerks.

§ 75. It shall be the duty of the county clerk, on the receipt of the election returns of any general or special election, to make out his certificate, stating the compensation to which the judges and clerks of each election may be entitled for their services, and lay the same before the county board at its next session; and said board shall order the compensation aforesaid to be paid out of the county treasury.

Abstracts to  
be forwarded  
to secretary  
of State.

§ 76. Immediately after the completion of the abstracts of votes, the county clerk shall envelope and seal up a copy of the abstracts of votes for governor, lieutenant governor, secretary of State, auditor of public accounts, treasurer, attorney general, and superintendent of public instruction, and indorse upon it in substance, "Abstracts of votes for State officers from . . . county," and address it "The speaker of the house of representatives." The county clerk shall, at the same time, envelope and seal up a copy of each of the abstracts of votes for other officers, and indorse the same so as to show the contents of the package, and direct the same to the secretary of State. The several packages shall then be placed in one envelope and addressed to the secretary of State.

§ 77. Such abstracts shall be transmitted to the secretary of State by mail, or, in case it shall be necessary, by special messenger. <sup>How transmitted.</sup>

§ 78. The secretary of State, auditor, treasurer and attorney general, or any two of them, in the presence of the governor, shall proceed, within twenty days after the election, and sooner, if all the returns are received, to canvass the votes given for representatives to congress, judges of the supreme court, clerks of the supreme court, judges of the circuit court, senators, representatives to the general assembly, and members of the State board of equalization, respectively; and the persons having the highest number of votes for the respective offices shall be declared duly elected; but if it appears that more than the number of persons to be elected have the highest and an equal number of votes for the same office, the secretary of State, in the presence of the other officers and the governor, shall decide by lot which of such persons shall be elected; and to each person duly elected, the governor shall give a certificate of election or commission, as the case may require, and shall cause proclamation to be made of the result of the canvass. <sup>Canvass of votes.</sup> <sup>Commission.</sup>

#### OFFENSES AND PENALTIES.

§ 79. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away at retail, nor shall any saloon or bar room, or place where such liquor is so sold or given away, be opened upon any general or special election day within one mile of the place of holding an election. Whoever violates the provisions of this section shall be fined in a sum not less than twenty-five nor more than one hundred dollars. It shall be the duty of the sheriff, coroner, constables and other officers of the county, and magistrates, to see that the provisions of this section are enforced. <sup>Liquor.</sup>

§ 80. If any person whose vote is challenged, or any witness sworn under the provisions of this act, shall knowingly, willfully and corruptly, swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly. <sup>False swearing</sup>

Illegal voting.

§ 81. Whoever unlawfully votes more than once at any election, or offers to vote after having once voted at such election; or knowing that he is not a qualified voter at an election, willfully votes at such election, shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Other irregularities.

§ 82. Whoever willfully aids or abets any one not legally qualified to vote at an election, in voting or attempting to vote at such election; or,

2d. Furnishes an elector with a ticket or ballot informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclinations; or,

3d. Fraudulently or deceitfully changes a ballot of an elector, with intent to deprive such elector of voting for such person as he intended; or,

4th. Endeavors to procure the vote of any elector, or the influence of any person over an elector at any election, for himself or for or against any person, by means of a promise of a favor, or by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or his means; or,

5th. By offering a reward or bribe, or by treating to or giving spirituous, malt, or other liquor, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his vote at an election; or,

6th. By bribery, or by corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at an election; or,

7th. Gives or offers to give any valuable thing or bribe to any judge or clerk of election, as a consideration for some act to be done or omitted to be done, contrary to his official duty, in relation to such election, shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, or

Penalty.

imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

§ 83. Whoever receives, requests or demands any bribe <sup>Bribes.</sup> or reward forbidden by this act to be given, shall be liable to the same penalties as are prescribed in this act for giving such bribe or reward.

§ 84. Whoever is disorderly at any election shall forfeit <sup>Disorderly.</sup> a sum not exceeding twenty-five dollars.

§ 85. Whoever bets or wagers any money, property or other valuable thing, upon the result or an election which <sup>Betting on elections.</sup> may be held under the constitution or laws of this State, or bets or wagers money, property, or other valuable thing, upon the number of votes which may be given to any person at an election, or upon who will receive the greatest number of votes at an election; or agrees to pay any other person any money, property, or other valuable thing, in the event that an election shall result in one way, or in the event that any person shall or shall not be elected, or shall receive a greater number of votes than others, upon conviction thereof he shall be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

§ 86. If any judge of any election shall permit a person to vote whose vote is challenged, without the proof required <sup>When vote is challenged.</sup> in this act; or,

2d. Shall knowingly and willfully permit a person to testify as a witness contrary to the provisions of this act; or

3d. Shall knowingly permit a person to vote who is not qualified according to law; or,

4th. Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or,

5th. Shall refuse to receive the vote of a qualified elector at such election, who will make the affidavit and proof required by this act; or,

6th. Shall be guilty of any fraud, corruption, partiality or manifest misbehavior; or,

7th. Shall open or unfold any ballot when the same is presented to be deposited in the ballot box; or,

8th. Shall willfully neglect to perform any of the duties required of him by this act, shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Comparison of  
ballots.

§ 87. If any judge or clerk of election shall wilfully or corruptly ascertain, by comparison of the poll book with the ballot, or shall allow any other person to ascertain by such comparison, or otherwise, or shall willfully publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Publishing  
votes.

§ 88. If any person shall willfully or corruptly ascertain or publish, or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Neglect of clerk  
to perform  
duty.

§ 89. If any clerk of an election shall willfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption, or misbehavior as such clerk, he shall, on conviction, be fined in a sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

Failure to de-  
liver poll  
books.

§ 90. If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally list and votes of such election to the place where, by law, they are required to be canvassed, willfully or negligently fails to deliver such poll books, tally list or ballots within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.



§ 91. If the county clerk willfully neglects or refuses to perform any duty required of him by this act, he shall, upon conviction, be fined in a sum not exceeding five hundred dollars, and shall be liable to the person injured by reason of such neglect or refusal, in an amount not exceeding five hundred dollars, to be recovered in an action on the case. County clerk—  
neglect of  
duty.

§ 92. If any county clerk or justice of the peace shall be guilty of any fraud, corruption or misbehavior, in canvassing the votes or making any abstract of votes, or issuing any certificate of election, he shall on conviction, be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. Fraud in can-  
vassing votes.

§ 93. Whoever shall willfully and wrongfully take or carry away from the place where it has been deposited for safe-keeping, or deface, mutilate or change any poll book, ballot or tally list, or any name or figure therein, shall, on conviction, be fined in a sum not exceeding one thousand dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. Mutilation of  
poll books.

#### CONTESTING ELECTIONS.

§ 94. The legislature, in joint meeting, shall hear and determine cases of contested elections of governor and lieutenant governor, secretary of State, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general. The meeting of the two houses, to decide upon such elections, shall be held in the hall of the house of representatives, and the speaker of the house shall preside. State officers.

§ 95. The senate and house of representatives shall severally hear and determine contests of the election of their respective members. Senators and  
representative's

§ 96. The supreme court shall hear and determine contests of the election of judges of the supreme court, clerks of the supreme court, judges of the circuit court, judges of the superior court of Cook county, members of the State Judges of the  
supreme court  
etc.

board of equalization; but no judges of the supreme court shall sit upon the hearing of any case in which he is a party.

County judges  
and county  
seats.

§ 97. The circuit courts of the respective counties shall hear and determine contests of the election of the judges of the county court of their counties, and in regard to the removal of county seats, and in regard to any other subject which may by law be submitted to the vote of the people of the county.

Other county  
and town officers.

§ 98. The county court shall hear and determine contests of election of all other county, township and precinct officers, and all other officers for the contesting of whose election no provision is made.

Manner of  
contesting  
election of  
State officers.

§ 99. When any elector shall desire to contest the election of governor, lieutenant governor, secretary of State, auditor of public accounts, treasurer, superintendent of public instruction, or attorney-general, he shall, within ten days after the result of the election shall have been determined, present a petition to the general assembly, setting forth the points on which he will contest such election, and praying for leave to produce his proof.

Committee to  
take testimony.

§ 100. The general assembly shall appoint a joint committee to take the testimony on the part of the petitioner, and the person whose place is contested.

Powers of  
committee.

§ 101. The committee so appointed shall have power to send for witnesses, and compel the attendance of witnesses and the production of papers, issue commissions under the hand of its chairman, to any officer authorized to take depositions in other cases, to take the deposition of witnesses upon the points set forth in the petition, at such time and place as the commission shall direct.

Notice.

§ 102. Reasonable notice shall be given by the party in whose favor the deposition is to be taken, to the opposite party, of the time and place of taking the same.

Testimony.

§ 103. No testimony shall be taken except upon the points set forth in the petition.

Report of  
committee.

§ 104. The committee shall report the facts to the house, and a day shall be fixed by a joint resolution for the meeting of the two houses to decide upon the same, in which

decision the yeas and nays shall be taken and entered upon the journal.

§ 105. The election of any member declared duly elected to a seat in the senate or house of representatives of the general assembly, may be contested by any qualified voter of the county or district to be represented by such senator or representative. Members of the legislature

§ 106. The contestant shall, within thirty days after the result of the election shall have been determined, serve on the person whose election he will contest, a notice of his intention to contest such election, expressing the points on which the same will be contested; and shall, also, on or before the next session of the general assembly, deliver a copy of such notice to the secretary of State. In case the person whose election is contested is absent, or cannot be found, service may be had by leaving a copy of such notice at his usual place of residence. Notice of contest.

§ 107. Whenever a notice shall have been given of intention to contest an election, as provided in the preceding section, either party may proceed to take testimony of any witness before any judge, justice of the peace, clerk of a court, master in chancery, or notary public, on giving to the adverse party or his attorney ten days' notice of the time and place of taking the same, and one day in addition thereto (Sunday inclusive) for every fifty miles' travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five days' notice shall be sufficient. Testimony.

§ 108. The officer before whom depositions are taken shall have power to compel the production of papers, and the attendance of witnesses; and the same proceedings may be had to compel the attendance of witnesses, as are provided in the cases of taking depositions to be used in courts of law and equity. Papers and witnesses.

§ 109. A copy of the notice to take depositions, with proof of the service thereof, with the deposition, shall be Notice to take depositions.

sealed up and transmitted by mail, or otherwise, to the secretary of State, with an indorsement thereon, showing the names of the contesting parties, the office contested, and the nature of the papers.

**Duty of secretary of State.**

§ 110. The secretary of State shall deliver the copy of the notice deposited with him by the contestant, and the depositions, unopened, to the presiding officer of the branch of the general assembly to which the contest relates, on or before the second day of its session next after the receipt of the same; and the presiding officer shall immediately give notice to his house that such papers are in his possession.

**Commissions of the general assembly.**

§ 111. Nothing herein contained shall be construed to abridge the right of either branch of the general assembly to grant commissions to take depositions, or to send for and examine any witnesses it may desire to hear on such trial.

**Who may contest.**

§ 112. The election of any person declared elected to any office other than governor, lieutenant governor, secretary of State, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, senator or representative, may be contested by any elector of the State, judicial division, district, county, town or precinct in and for which the person is declared elected.

**Statement of points of contest.**

§ 113. The person desiring to contest such election shall, within thirty days after the person whose election is contested is declared elected, file with the clerk of the proper court a statement, in writing, setting forth the points on which he will contest the election, which statement shall be verified by affidavit in the same manner as bills in chancery may be verified.

**Summons.**

§ 114. Upon the filing of such statement, summons shall issue against the person whose office is contested, and he may be served with process, or notified to appear, in the same manner as is provided in cases in chancery.

**Evidence.**

§ 115. Evidence may be taken in the same manner, and upon like notice, as in cases in chancery.

**Trial.**

§ 116. The case shall be tried in like manner as cases in chancery.

§ 117. Any five electors of the county may contest an election upon any subject which may by law be submitted to a vote of the people of the county, upon filing in the circuit court, within thirty days after the result of the election shall have been determined, a written statement in like form as in other cases of contested elections in the circuit court. The county shall be made defendant, and process shall be served as in suits against the county; and like proceedings shall be had as in other cases of contested elections before such court.

Contest of election on other questions.

§ 118. In case the county board shall fail or refuse properly to defend such contest, the court shall allow any one or more electors of the county to appear and defend, in which case the electors so defending shall be liable for the costs in case the judgment of the court shall be in favor of the contestant.

Defendants in contest.

§ 119. The judgment of the court, in cases of contested election, shall confirm or annul the election according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

Judgment of the court.

§ 120. If it appears that two or more persons have, or would have had if the legal ballots cast or intended to be cast for them had been counted, the highest and an equal number of votes for the same office, the persons receiving such votes shall decide by lot, in such manner as the court shall direct, which of them shall be declared duly elected; and the judgment shall be entered accordingly.

Election to be decided by lot.

§ 121. A certified copy of the judgment of the courts shall have the same effect as to the result of the election as if it had been so declared by the canvassers.

Certified copy of judgment.

§ 122. When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.

In case of disqualification.

Appeals.

§ 123. In all cases of contested elections in the circuit courts or county courts, appeals may be taken to the supreme court in the same manner, and upon like conditions as is provided by law for taking appeals in cases in chancery from the circuit courts.

#### RESIGNATIONS AND VACANCIES.

Resignations.

§ 124. Resignations of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

Vacancies.

§ 125. Every elective office shall become vacant on the happening of either of the following events, before the expiration of the term of such office:

*First*—The death of the incumbent.

*Second*—His resignation.

*Third*—His becoming insane.

*Fourth*—His ceasing to be an inhabitant of the State; or, if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

*Fifth*—His conviction of an infamous crime, or of any offense involving a violation of official oath.

*Sixth*—His removal from office.

*Seventh*—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

*Eighth*—The decision of a competent tribunal declaring his election void.

Vacancies to be filled.

§ 126. Whenever it is alleged that a vacancy in any office exists, the officer, court, or county board whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist.

In office of governor and lieutenant governor.

§ 127. In case of vacancies in the offices of governor and lieutenant governor, the officer performing the duties of the office of governor, or if there is no such officer, the secretary of State shall issue a proclamation appointing a day for a special election to fill such vacancies; and shall issue a writ

of election to the county clerks of the several counties in the State, and shall also, when necessary, call a special session of the general assembly to canvass the votes cast at such election; but if such vacancy shall occur not more than ninety days before a general election for members of the legislature, the vacancies shall be filled at such general election, in which case no special session of the general assembly to canvass the votes shall be deemed necessary.

§ 128. When a vacancy shall occur in the office of secretary of State, auditor of public accounts, treasurer, attorney general, superintendent of public instruction, or member of the State board of equalization, the governor shall fill the same by appointment, and the appointee shall hold his office during the remainder of the term, and until his successor is elected and qualified.

Secretary of  
State and other  
State officers.

§ 129. When a vacancy shall occur in the office of senator or representative in the general assembly, it shall be the duty of the county clerk of the county in which the member whose office is vacant resided, to notify the governor of such vacancy. Whereupon the governor shall issue a writ of election to the county clerk or clerks of the county or counties in which the vacancy is to be filled, fixing a day upon which an election shall be held to fill such vacancy; but unless the general assembly shall be in session at the time the vacancy occurs, or there shall be a session between the time at which the vacancy occurs and the next succeeding general election, no special election shall be ordered to fill such vacancy.

Vacancy in  
office of senators  
and representatives.

§ 130. When any vacancy shall occur in the office of representative in congress from this State, the governor shall issue a writ of election to the county clerks of the several counties in the district where the vacancy exists, appointing a day to hold a special election to fill such vacancy.

Representative  
in congress.

§ 131. When a vacancy shall occur in the office of judge of the supreme court, judge of the circuit court, judge of the superior court of Cook county, or judge of the county court, the clerk of the court in which the vacancy exists shall notify the governor of such vacancy. If such vacancy shall

Judges of  
courts.

occur within one year before the expiration of the term of the office made vacant, the governor shall fill such vacancy by appointment; but if the unexpired term exceeds one year, the governor shall issue a writ of election, as in other cases of vacancies, to be filled by election.

Clerks of  
courts.

§ 132. When a vacancy shall occur in the office of clerk of the supreme court, clerk of the circuit court, clerk of the superior court of Cook county, or clerk of the county court, within one year before the expiration of the term of an office made vacant, the vacancy shall be filled by appointment by the court, or the judge or judges of the court to which the office appertains; but if the unexpired term exceeds one year, the governor shall issue a writ of election, as in other cases of vacancies, to be filled by election.

County officer

§ 133. When a vacancy shall occur in the office of county commissioner, State's attorney, sheriff, coroner, county clerk, recorder of deeds, county treasurer, county surveyor, justice of the peace, constable, or other county or precinct officer not otherwise provided for by law, within one year before the expiration of the term of such vacant office, the vacancy shall be filled by appointment, by the county board of the county in which the vacancy exists; but if such unexpired term exceeds one year, the county clerk, or in case of a vacancy in his office, the chairman of the county board shall issue an order appointing a day for an election to fill such vacancy, and cause notice thereof to be given, as in other cases of election.

#### TO WHAT ELECTIONS THIS ACT MAY APPLY.

§ 134. The provisions of this act shall apply, as far as practicable, to all elections in the State, whether general, special, local or municipal, except so far as they are modified or contravened by other legal enactments.

#### REPEAL.

Acts repealed.

§ 135. The following acts are hereby repealed: Chapter thirty-seven, of the Revised Statutes of 1845, entitled "Elections;" an act entitled "An act to amend the seventh



section of the thirty-seventh chapter of the Revised Laws of 1845, in relation to elections," approved February 23, 1847; an act entitled "An act to provide for the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes," approved February 12, 1849; an act entitled "An act to provide for the filling of vacancies in certain county offices," approved November 6, 1849; an act entitled "An act to prevent illegal voting at elections," approved February 21, 1861; an act entitled "An act to provide for ascertaining the qualification of voters, and to prevent fraudulent voting," approved February 22, 1861, and all other acts inconsistent with the provisions of this act: *Provided*, that this section shall not be construed so as to affect any rights or causes of action that may have accrued before this act shall take effect.

APPROVED April 3, 1872.

## REGISTRY LAW.

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In force Feb. 15, 1865. **AN ACT FOR THE REGISTRY OF ELECTORS AND TO PREVENT FRAUDULENT VOTING.**

- 1 **SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges or inspectors of elections in any town, city or ward, or other election district or precinct in this State, (except the moderator of the town meeting, in towns adopting township organization,) shall constitute a "board of registry" for their respective towns, cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any State, county, city or town election, (except "town meetings" in towns adopting the township organization law,) at nine o'clock A. M., and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election in the election district of which they are judges or inspectors; which list, when completed, shall constitute and be known as the "register of electors" of said election district; and said board may continue their session, for the purpose of making said list, two days, if necessary: *Provided,* that at the last election in said district, prior to said meeting, the number of votes cast in said district exceeded two hundred.
- 2 **§ 2.** Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged, according to their respective surnames, so as to show, in one column, the name at full length, and in another column, in cities, the residence, by the number of the dwelling, if there be a number, and the
- Board of registry.
- List of voters to be made.
- Proviso.
- List of qualified voters in alphabetical order.

name of the street or other location of the dwelling place of each person. It shall be the duty of said board to enter in said lists the names of all persons, residing in their election district, whose name appears on the poll list kept in 10 said district at the last preceding election; in cities the number of the dwelling and name of the street or other location, if the same shall be known to, or can be ascertained by such board; and for this purpose, said board are authorized to take from the office in which they are filed, the poll 15 lists made and filed by the judges or inspectors of such district, at the election held next prior to the making of such register. In making said list, the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in 20 said district; and the names of all persons on the poll list who have died or removed from the district shall be omitted from said register. The said board shall complete, as far as practicable, the said register on the day of their meeting, aforesaid, and shall make four copies thereof, and 25 certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them. Within two days thereafter, the said original list, together with the list taken from the office, as aforesaid, shall be filed by said board in the office of the town 30 clerk of the town in which said election district may be; but in counties not adopting township organization said list shall be filed with the judges or inspectors of election of the proper district, or if such election district is in a city, then it shall be filed in the office of the city clerk of said city; and one copy of said list shall be kept by each of said 35 judges or inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place where the last preceding election in said district was held, and be accessible to any elector who may desire to examine the same or make copies thereof. Any 40 person who shall take down, tear down or deface any list

Residence of voters.

Names may be added to list.

Copies of list.

Lists, where filed.

Electors may examine lists or copy.

45 so posted, shall be deemed guilty of misdemeanor, and shall  
 be punished by a fine of fifty dollars, or by imprisonment in  
 the county jail for the term of sixty days, or by both fine  
 and imprisonment. The board may, in their discretion,  
 50 cause printed copies of said list to be posted up in such  
 places as they may direct, and may cause the same to be  
 published in some newspaper in the county in which such  
 district is situated, at an expense not exceeding one cent for  
 each name on said list.

Lists, how  
published.

1 § 3. In case a new election district shall be formed by  
 the organization of a new town, or by the division of any  
 town or ward, or the incorporation of a city or town, the  
 judges or inspectors of the election in the new district thus  
 5 formed, may make their registry of electors on the day pre-  
 scribed by this act, in such manner as a majority of them  
 may direct, and for that purpose may make a list, or cause  
 to be made, a certified copy of the poll list or lists of the  
 districts in which such new district is situated, or they may  
 10 dispense with such list or lists, and proceed to may a regis-  
 ter of electors from the best means at their command. Said  
 lists shall only embrace the names of such persons as are  
 known to them to be electors in their district, and shall be  
 posted up and copies thereof made, as prescribed in the  
 preceding section, and shall be corrected in the same man-  
 15 ner that other lists are corrected.

Lists, how cor-  
rected.

1 § 4. The said board shall again meet on Tuesday of the  
 week preceding the said elections, in their respective elec-  
 tion districts, at the place designated for holding the polls  
 of the election, for the purpose of revising, correcting, and  
 completing said lists, and for this purpose in cities, they  
 shall meet at eight o'clock in the morning, and remain in  
 5 session until nine o'clock P. M. of that day, and the day  
 following; and in other districts they shall meet at nine  
 o'clock in the morning and remain in session until four  
 o'clock P. M. of that day.

Revision of  
lists.

1 § 5. The proceedings of said board shall be open, and  
 all persons residing and entitled to vote in said district,

shall be entitled to be heard by said board in relation to corrections or additions to said register. One of the lists so kept by the judges or inspectors, as aforesaid, shall be used by them, on the day or days of making corrections or additions, for the purpose of completing the registry for such district. Proceedings to be open.

§ 6. It shall be the duty of said board, at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein, who shall be proved by the oath of two legal voters of said district, to the satisfaction of said board, to be non-resident of said district, or otherwise not entitled to vote, in said district, at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on said lists, shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at elections, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the judges or inspectors, or either of them, or by any other elector whose name appears on said alphabetical list; and the same oaths may be administered by the judges or inspectors as now provided in case of persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year. When names may be erased  
Refusal to give information.  
Names may be added on oath of applicant.

§ 7. After said lists shall have been fully completed, the said board shall, within three days thereafter, cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district; one of which shall be filed in the office of the town

Where filed.

clerk of towns, and in the office of city clerks in cities; and one of which copies shall be delivered to each of said judges or inspectors. It shall be the duty of the said judges or inspectors so receiving such lists, carefully to preserve the said lists for their use on election day, and to designate two

10

When vote shall be rejected.

of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register. No vote shall be received at any State, county, town or city election in this State, except at town meeting in towns adopting the township organization law,

15

if the name of the person offering to vote be not on the said register, made on the Tuesday or Wednesday preceding the election, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating

20

therein that he is an inhabitant of said district and entitled to vote therein at such election, and prove by the oath of a householder and registered voter of the district in which he offers his vote, that he knows such person to be an inhabitant of the district, and if in any city, giving the residence

25

Oath of applicant to be filed.

of such person within said district. The oath may be administered by one of the judges or inspectors of the election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved and filed in the office of the town or city clerk, or in case there be no clerk, then said oath shall be filed with and preserved by the judges or inspectors of the proper district. Any person may [be] challenged, and the same oaths shall be put as now are or hereafter may be prescribed by law.

30

§ 8. The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list, kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of the board in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter; and in all cases said clerk shall enter in a column opposite

1

5

the name of each person not registered, the words "not registered." In cities, every elector, at the time of offering 10 his vote, shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof. And the clerks of the polls, in case the name of such elector is not registered, shall truly enter in the appropriate column of the poll list, opposite the 15 name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the 20 statement as aforesaid, the vote of such an elector shall not be received. Any person who shall willfully make any false statement in relation thereto, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail 25 in the county for a period of ten days, or by both such fine and imprisonment.

where name  
of voter is  
not register'd

When vote  
shall be re-  
jected.

False state-  
ments --how  
punished.

§ 9. After the canvass of the votes, one of said poll lists 1 and said register so kept and checked as aforesaid, shall be attached together, and shall, on the following day, be filed in the town or city clerk's office (as the case may be) in which said district may be, or in case there be no such clerk 5 then such poll lists and register shall be filed with and preserved by the judges or inspectors, to be used by the board of registry in making the list of voters at the next election; the other of said poll lists and registers, so kept and checked, (except in town and city elections,) shall be re- 10 turned to the office of the county clerk in the county in which said district may be, at the same time the returns of the election are made.

Poll books--  
where filed.

§ 10. The said board may, if necessary, on the day or 1 days of the making and of the corrections of such lists, appoint a clerk to assist them in the discharge of their duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls or of 5 elections.

Board may ap-  
point clerk.

Regist'rs open  
to inspection.

§ 11. The registers shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

Pay of board  
and clerks.

1 § 12. The members of the board of registration and their  
clerks shall each receive the same compensation as is now  
allowed by law for judges or inspectors of elections, for each  
day actually employed in the making and completion of the  
registry, to be paid to them at the time and in the manner  
5 in which they are paid their other fees.

Powers of  
board.

1 § 13. The said board shall have and exercise the same  
powers in preserving order at their meetings, under this act,  
as are given to judges or inspectors of elections for preserv-  
ing order on election days; and vacancies in said board shall  
5 be filled in the same manner that vacancies are now filled  
at elections.

Punishment  
for double  
registration.

1 § 14. Any person who shall cause his name to be regis-  
tered in more than one election district, or who shall cause  
his name to be registered, knowing that he is not a qualified  
voter in the district where said registry is made, or who  
shall falsely personate any registered voter; and any person  
5 causing, aiding or abetting any person, in any manner, in  
either of said acts, shall be punished for each and every  
offense, by imprisonment in the State prison for not less than  
one year. All intentional false swearing before said board  
10 of registration shall be deemed willful and corrupt perjury,  
and, on conviction, punished as such. If any member or  
officer of said board shall willfully violate any of the provi-  
sions of this act, or be guilty of any fraud in the execution  
of the duties of his office, he shall be punished for each and  
every offense by imprisonment in the State prison for not  
less than one year.

Willful viola-  
tion by board  
--how pun-  
ished.

Section 15 and 16 repealed. See section 125, General Election Law, 1892.

Copies to be  
sent by secre-  
tary of State.

1 § 17. The secretary of State shall cause this law to be  
printed in pamphlet form, with suitable forms and instruc-  
tions for carrying it into effect, together with the general  
election law of the State, and a sufficient number of copies  
5 thereof sent to each county clerk in every county in this  
State to supply each of the officers named in this act with a



copy. And it shall be the duty of each of said clerks to immediately transmit a copy of the same to each of the judges or inspectors of election in his county.

§ 18. The necessary blanks for making the registers required by law shall be prepared by the secretary of State, and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

§ 19. Nothing contained in this act shall be construed in any manner to affect the provisions of any act that has been or may be passed at the present session of the general assembly, to enable the qualified electors of this State, absent therefrom, in the military service of the United States, in the army or navy thereof, to vote.

§ 20. This act shall be in force from and after its passage.

APPROVED February 15, 1865.

## INSTRUCTIONS.

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### DUTIES OF JUDGES, (OR "INSPECTORS.")

The three judges of election (appointed by the county board or constituted, by law, in counties now under township organization) are made a "BOARD OF REGISTRY," respectively, at each poll in each precinct or ward.

#### IT IS THEIR DUTY,

*First*—To meet on Tuesday, three weeks before any election, at nine o'clock, A. M. (*See section 1, lines 9 to 13.*)

To obtain from the office of the county clerk the "poll lists," "of such precinct" or poll, "made and filed at the last election held in said precinct." (*See section 2, lines 14 to 16.*)

To appoint a clerk, if necessary, and cause him to take the oath required by the statute for clerks of election. (*See section 10.*)

To preserve order at their meetings, as prescribed in sections 43, 44 and 45, of Election Law of 1872, page 9. (*See section 13, lines 1 to 4.*)

*Second*—To make from the "poll lists" a "Register of Voters," which shall contain the names (alphabetically arranged) of each and every known voter now living in said precinct and entitled to vote at said poll. Said "Register" to be completed in one day, where the number of votes given at the last election was not more than two hundred, (200,) and to be completed, including four (4) copies thereof, in two (2) days, in every other case. (*See section 1, lines 19 to 21.*)

To certify, in writing, upon each, that it is a "true list of the voters, in their precinct, entitled to vote at their poll, so far as known to them." (*See section 2, lines 24 to 28.*)

*Third*—Within two (2) days after completion, [before Friday night]—

To leave with the clerk of the township, village or city, where such exist, the "poll lists," taken from the office of the county clerk, and the

"original Register of Voters;" and in precincts where there is no clerk of township, village or city, to leave the said "poll lists" and the "original Register" with one of the "judges of election."

To keep carefully, each, one copy of the "Register of Voters." (*See section 2, lines 36 to 40.* [*This will, in some cases, give one of the judges the original, and one copy of the "Register" and the "poll lists."*])

To post up in the most public and proper place, in the precinct, poll district, or ward, one copy of the "Register of Voters," so that any voter may examine the same, or makes copies thereof. [*The fine for tearing, defacing, altering or taking down this copy is fifty dollars (\$50), and imprisonment sixty (60) days.*] *Section 2, page 26, lines 40 to 54.*

*Fourth*—To meet again on Tuesday, the next before the election, at eight o'clock A. M., at their respective polls, and publicly make all necessary corrections and additions to ONE of the COPIES of the "Register of Voters." (*See sections 4 and 5.*) [*Said corrections and the manner of making them are distinctly set forth in section 6, lines 1 to 7, and lines 10 to 13.*] But no name can be added, except upon the demand of the person himself, and then only after his making a *true* statement of where he lives, name of street, if in a city, and number of house, if numbered.

To prevent, as far as possible, in their power and knowledge, all and every fraudulent registry of any and every name; all and every duplicate registry of the same name to the same person, and all and every attempt at such frauds. (*See section 6, lines 15 to 18, and section 14, lines 5 to 9.*) [*The penalty for frauds of this kind is imprisonment for ONE YEAR.*] (*See section 14, lines 1 to 9, and section 6, lines 14 and 15.*)

To preserve order at their meetings, as prescribed in sections 43, 44 and 45 of Election Law of 1872, page 9. (*See section 13, lines 1 to 4.*)

*Fifth*—Within three (3) days after the completion of the *corrected* "Register of Voters," to make (or have made) four (4) copies of the *corrected* "Register;" to certify, in writing upon each copy, that "it is a *correct list* of the voters of their precinct (or ward) at their poll."

To leave one of said "*correct lists*" with the town clerk, in counties with township organization, with the city clerk, or clerk of the village,

where such corporations exist; with the county clerk where such do not exist.

To retain one copy, each, for his own use "on election day," and carefully preserve it, without blot, erasure or change. (*See section 7, lines 1 to 9.*)

*Sixth*—On "election day," before opening the polls—

To fill any vancancy which may be, or occur, in their number, (three) as prescribed in section 36 of Election Laws of 1872, page 8. (*See section 13, lines 4 and 5.*) [*There must in all cases be three "judges of election"—inspectors.*]

To select two of the judges, who shall "*check*," each on his own register, the name of each and every voter, immediately, when he has voted. (*See section 7, lines 10 to 13.*)

To mark upon each and every ballot its number, the same as shall be kept by the "clerks of election," and before depositing it in the box. (*See Election Law of 1872, page 11, and section 55, lines 6 to 9.*)

To preserve order at the polls, as prescribed in section 43 and 45 of Election Law of 1872, page 9. (*See section 13, lines 1 to 4.*)

To remain at the polls, "*without adjournment or recess*," until all the ballots cast shall have been counted, and the number of ballots "publicly announced." (*See section 56.*)

To reject every vote offered by any person whose name is not upon the "*Corrected Register*" UNTIL he "shall furnish, *in writing*, his affidavit that he is an inhabitant of said precinct, that he is entitled to vote at said poll;" and UNTIL he shall "prove by the oath of a householder," "who shall be a registered voter," (of the same precinct, and entitled to vote at the same poll,) that he is an inhabitant of said precinct and entitled to vote at said poll; and who shall also, correctly and truly, state where said person offering to vote resides, giving name of street, if in city, and number of house, if numbered. (*See section 7, lines 13 to 25.*)

To deliver said affidavit, immediately after election, and on the same day, to the clerk of the county, or town, or city, or village, as the case may require. (*See Instructions, Fifth, and section 7, lines 30 to 33.*)

*Seventh*—To reject the vote of any and every person who shall "refuse to make a ~~true~~ statement," when asked by any one having the right to demand it, and of any and every person who shall make a false statement, where he resides, giving the name of the street, if in a

city, and the number of the house, if numbered. (*See section 8, lines 20 to 23.*) [*The penalty for making a false statement is a fine of fifty dollars (\$50) and imprisonment ten (10) days.*]

*Eighth*—After the “canvass of votes,” (as provided in the Statutes, page 11, section 57)—

To attach to each of the two registers, which are “*checked*,” one of the poll lists (made by the clerk of *this* election.)

To leave ONE of said “*checked*” registers and poll lists with the clerk of the county, or town, or city, or village, as the case may require. (*See Instructions, Fifth, and section 9.*)

To select one of the judges who shall retain ONE of said “*checked*” registers and poll list, and carefully keep it, without blot, erasure, or change, until the time shall arrive for making other “registers” for the next election. (*See section 9.*)



# FORMS.

## No. 1.

**OATH TO BE ADMINISTERED TO PERSON REQUIRING HIS NAME TO BE ENTERED ON THE REGISTER, WHEN BEING REVISED AND CORRECTED, IN CASE HIS RIGHT TO REGISTER IS CHALLENGED UNDER § 6 OF REGISTRY LAW.**

You do solemnly swear [or affirm] that you are a citizen of the United States, [or "that you were an elector in this State on the first day of April, A. D. 1848," or, "that you obtained a certificate of naturalization before a court of record in this State, prior to the first day of January, A. D. 1870," as the case may be,] that you have resided in this State one year, in this county ninety days, and in this election district thirty days next preceding this date; that you now reside at [here give the particular house or place of residence, and, if in a town or city, the street and number] in this election district, and that you are twenty-one years of age; so help you God, (or, "this you do solemnly and sincerely affirm under the pains and penalties of perjury," as the case may be.)

## No. 2.

**AFFIDAVIT TO BE MADE BY PERSON OFFERING TO VOTE, WHOSE NAME IS NOT ON THE "CORRECTED REGISTER" AS REQUIRED BY § 7, LINES 15 TO 30 OF REGISTRY LAW.**

STATE OF ILLINOIS, } ss.  
\_\_\_\_\_ County. }

I, \_\_\_\_\_, do solemnly swear [or affirm] that I am an inhabitant of this district, [town, village, precinct or ward, as the case may be,] and that I am entitled to vote therein at this election, and that I reside at [here state number and street, or other accurate description of place where voter resides, if in a city.]

Subscribed and sworn to }  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 187—.

[Name of voter.]

[NOTE.—This affidavit must be preserved and filed as required by section 7, lines 20 to 25, of the Registry Law.]

## No. 3.

**OATH TO BE ADMINISTERED TO "HOUSEHOLDER AND REGISTERED VOTER" TO PROVE THE RIGHT OF UNREGISTERED PERSON TO VOTE, AS PRESCRIBED IN § 7, LINES 20 TO 25, OF REGISTRY LAW.**

You do solemnly swear [or affirm] that you know \_\_\_\_\_ to be an inhabitant of this [city, ward, precinct, town or village, as the case may be,] and that he resides at [here give number and name of street, or other definite description of place of residence, if in a city,] so help you God, [or, "this you sincerely declare and affirm under the pains and penalties of perjury."]

NOTE.—The making of affidavit and oath in accordance with the preceding forms, Nos. 2 and 3, will be sufficient to entitle an *unregistered* person to vote, in case he is not challenged; but in case his right to vote is challenged, and he “is not personally known to the judges of election to have the qualifications” of a voter, as prescribed in sections 65 and 66 of the Election Law, it will be necessary for the voter to make and file an affidavit to prove his right to vote, by witnesses, in accordance with sections 67 and 68 of the Election Law, which are as follows:\*

§ 67. Whenever, at any general or special election in any precinct, district, city, village, town or ward, any person offering to vote is not personally known to the judges of election to have the qualifications mentioned in the two preceding sections, if his vote is challenged by a legal voter at such election, he shall make and subscribe an affidavit in the following form, which shall be retained by the judges of election, and returned by them with the poll books.

STATE OF ILLINOIS, }  
County of —, } ss.

I, —, do solemnly swear [or affirm] that I am a citizen of the United States, [or, “that I was an elector on the first day of April, 1848,” or, “that I obtained a certificate of naturalization before a court of record in this State, prior to the first day of January, A. D. 1870,” as the case may be,] that I have resided in this State one year, in this county ninety days, and in this election district thirty days next preceding this election; that I now reside at [here give the particular house or place of residence, and, if in a town or city, the street and number] in this election district; that I am twenty-one years of age, and have not voted at this election; so help me God, [or, “this I do solemnly and sincerely affirm,” as the case may be.]

Subscribed and sworn to before me }  
this — day of —, A. D. 18—. }

§ 68. In addition to such an affidavit, the person so challenged shall produce a witness personally known to the judges of election, and resident in the precinct or district, or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz.:

I do solemnly swear [or affirm] that I am a resident of this election precinct, [or district,] and entitled to vote at this election, and that I have been a resident herein for one year last passed, and am well acquainted with the person whose vote is now offered; that he is an actual and *bona fide* resident of this election precinct, [or district,] and has resided herein thirty days, and as I verily believe in this county ninety days, and in this State one year next preceding this election.

Subscribed and sworn to before me }  
this — day of —, A. D. 18—. }

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\*See last clause of § 7 of Registry Law.







195083

ELECTION LAWS  
OF THE  
STATE OF ILLINOIS,

WITH FORMS AND INSTRUCTIONS FOR CARRYING THE  
SAME INTO EFFECT.

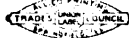
*Printed for the use of Election Officers, by the Secretary of State,  
in pursuance of law.*

JAMES A. ROSE, *Secretary of State.*

1898.

Sec. of State

ILLINOIS.



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*Illinois. Secretary*  
ELECTION LAWS

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OF THE

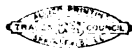
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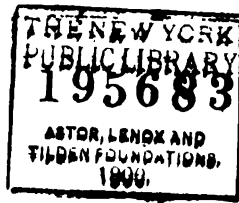
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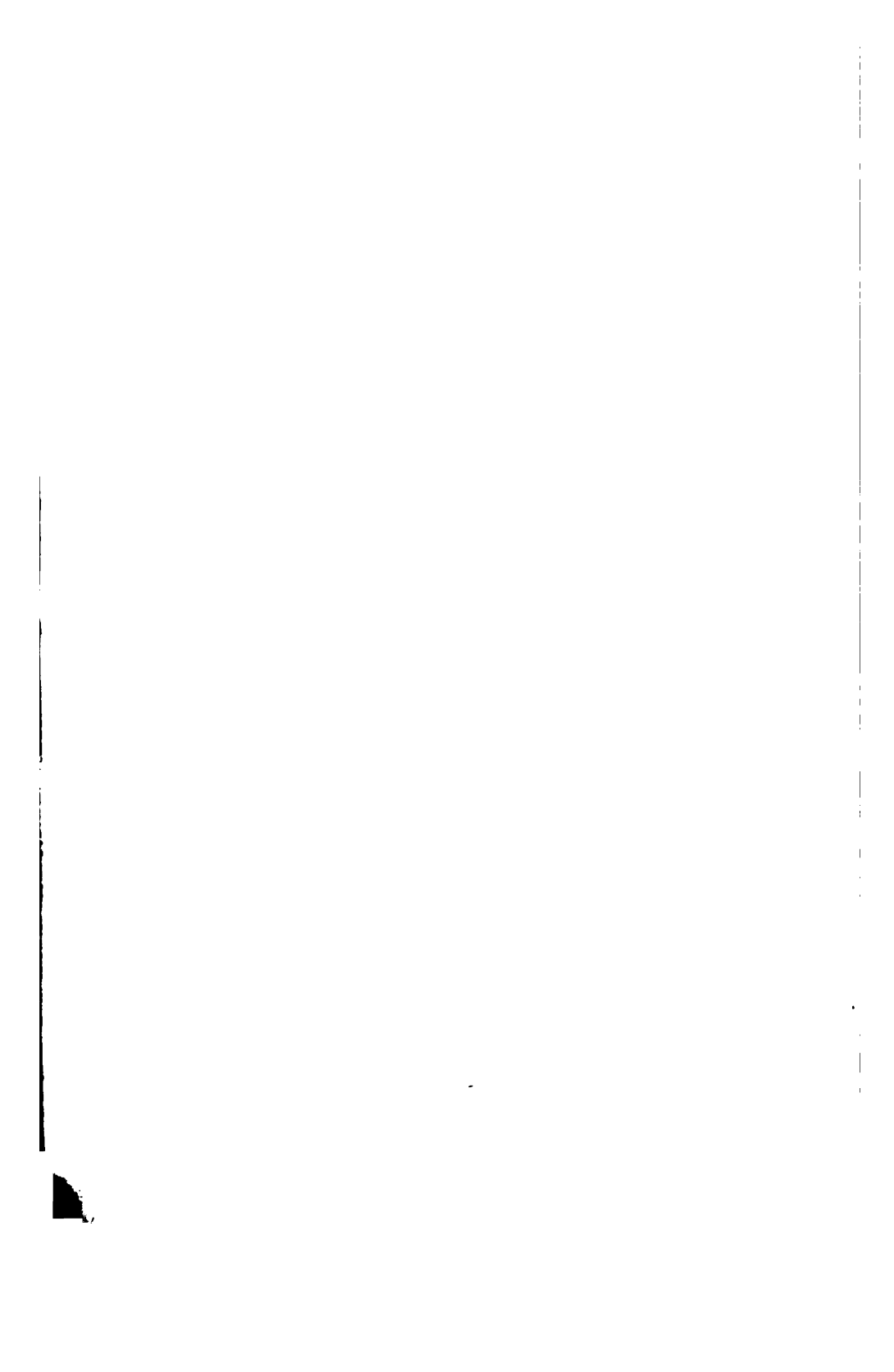


NOTE.—Repealed and obsolete sections have been omitted in this edition, and the sections in force have been renumbered in regular sequence corresponding with the head notes. In cities, towns and villages which have or may hereafter adopt the act entitled “An act regulating the holding of elections, and declaring the result thereof in cities, villages and incorporated towns in this State,” approved June 19, 1885, in force July 1, 1885, that act supersedes the general registry and election laws, when in conflict with that act; but when not inconsistent or in conflict with the provisions of that act, these acts continue in force and are applicable to such cities, towns and villages the same as if that act had not been adopted.—Section 15 of the act of 1885, the title of which is recited above.

The cities of Chicago and East St. Louis have adopted the law of 1885.

## TABLE OF CONTENTS.

CONSTITUTIONAL PROVISIONS.....	3
STATUTORY PROVISIONS:	
Article I. Public Officers—When Elected.....	10
Article II. Election Precincts and Officers.....	15
Article III. Registration of Electors.....	18
Article IV. Compensation of Election Officers.....	22
Article V. Nomination of Candidates.....	22
Article V. Notice of Election.....	27
Article VII. Ballots and Instructions.....	27
Article VIII. Ballot Boxes, Booths and Poll Books.....	31
Article IX. Qualifications of Voters.....	32
Article X. Manner of Conducting Elections.....	35
Article XI. Canvassing returns.....	40
Article XII. Contesting Elections.....	42
Article XIII. Offenses and Penalties.....	46
Article XIV. Resignation and Vacancies.....	52
Article XV. Congressional Apportionment.....	55
Article XVI. Senatorial and Representative Apportionment.....	57
Article XVII. Judicial Apportionment.....	60
Article XVIII. Primary Elections of Voluntary Associations.....	62
PRIMARY ELECTIONS in Counties of 125,000 or over.....	71
FORMS Prepared in Conformity with the Provisions of the Statutes.....	96
INDEX TO GENERAL ELECTION LAWS.....	104
INDEX TO PRIMARY ELECTION LAWS.....	107





## CONSTITUTIONAL PROVISIONS IN RELATION TO ELECTIONS.

### ARTICLE IV.

**TIME OF HOLDING.]** Section 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county at such places therein as may be provided by law. When vacancies occur in either House, the Governor, or persons exercising the powers of Governor, shall issue writs of election to fill such vacancies.

**APPORTIONMENT—SENATORIAL.]** Section 6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the Senate. The State shall be divided into fifty-one Senatorial districts, each of which shall elect one Senator, whose term of office shall be four years. The Senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of Senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as near as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the Senatorial ratio. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and shall be entitled to two senators, and to one additional Senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

**MINORITY REPRESENTATION.]** Sections 7 and 8. The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three Representatives shall be elected in each Senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of Representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are Representatives to be elected, or

may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

#### ARTICLE V.

STATE OFFICERS, TERM, RESIDENCE, DUTIES.] Section 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction and Attorney General, who shall each, with the exception of the Treasurer, hold his office for the term of four years from the second Monday of January next after his election, and until his successor is elected and qualified. They shall, except the Lieutenant Governor, reside at the seat of government during their term of office and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

ELECTION OF STATE OFFICERS.] Section 3. An election for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts and Attorney General shall be held on the Tuesday next after the first Monday of November in the year of our Lord 1872, and every four years thereafter; for Superintendent of Public Instruction, on the Tuesday next after the first Monday of November in the year 1870, and every four years thereafter; and for Treasurer, on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

RETURNS OF ELECTION.] Section 4. The returns of every election for the above named officers shall be sealed up and transmitted, by the returning officers, to the Secretary of State, directed to "The Speaker of the House of Representatives," who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the General Assembly, who shall, for that purpose, assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

#### ARTICLE VI.

CHIEF JUSTICE—ELECTION—TERM.] Section 6. At the time of voting on the adoption of the Constitution, one judge of the Supreme Court shall be elected by the electors thereof in each of said districts numbered two, three, six and seven, who shall hold his office for the term of nine years, from the first Monday of June in the year of our Lord 1870. The term of office of judges of the Supreme Court, elected after the adoption of this Constitution, shall be nine years; and on the first Monday of June of the year in which

the term of any of the judges in office at the adoption of this Constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges, in the respective districts wherein the term of such judges shall expire. The chief justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief justice.

**CLERKS—ELECTION—TERM.]** Section 10. At the time of the election for Representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

**TIMES OF HOLDING COURT—ELECTION OF CIRCUIT JUDGES.]** Section 14. The General Assembly shall provide for the times of holding court in each county, which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts, but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord 1873, and every six years thereafter.

#### JUSTICES OF THE PEACE AND CONSTABLES.

**ELECTION.]** Section 21. Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

#### STATE'S ATTORNEYS.

**ELECTION—TERM.]** Section 22. At the election for members of the General Assembly in the year of our Lord 1872, and every four years thereafter, there shall be elected a state's attorney in and for each county, in lieu of the state's attorneys now provided by law, whose terms of office shall be four years.

#### COURTS OF COOK COUNTY.

**COUNTY DECLARED ONE CIRCUIT.]** Section 23. The county of Cook shall be one judicial circuit. The circuit court of Cook county shall consist of five judges, until their number shall be increased as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook county, shall be two of said judges and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued, and called the superior court of Cook county. The



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ELECTION LAWS  
OF THE  
STATE OF ILLINOIS,

WITH FORMS AND INSTRUCTIONS FOR CARRYING THE  
SAME INTO EFFECT.

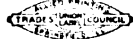
*Printed for the use of Election Officers, by the Secretary of State,  
in pursuance of law.*

JAMES A. ROSE, *Secretary of State.*

1898.

\*Sec. of State

ILLINOIS.



SPRINGFIELD, ILL.  
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1898.

preceding his election, and be a resident of the circuit, county, city, cities or incorporated town in which he shall be elected.

**OFFICERS—TERM—RESIDENCE—DUTIES—VACANCIES.]** Section 32. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is or may be provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year, the vacancies shall be filled by appointment, as follows: Of judges, by the Governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors or board of county commissioners in the county where the vacancy occurs.

#### ARTICLE IX.

**MUNICIPAL OFFICERS—ELIGIBILITY—SALARY.]** Section 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

#### ARTICLE X.

**OFFICERS' TERMS.]** Section 8. In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A. D. 1882: A county judge, county clerk, sheriff and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A. D. 1884, a coroner and clerk of the circuit court (who may be *ex officio* recorder of deeds, except in counties having sixty thousand and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided*, that no person having once been elected to the office of sheriff or treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

#### ARTICLE V.

##### VACANCIES.

**VACANCY—SUCCESSOR—SEMI-ANNUAL REPORT OF MONEYS.]** Section 20. If the office of Auditor of Public Accounts, Treasurer, Secretary

of State, Attorney-General or Superintendent of Public Instruction, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor, under oath; and any officer who makes a false report shall be guilty of perjury and punished accordingly.

## ARTICLE VII.

### SUFFRAGE.

**QUALIFICATION OF LEGAL VOTERS.]** Section 1. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days, next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

**BALLOT.]** Section 2. All votes shall be by ballot.

**VOTER PRIVILEGED FROM ARREST AND MILITARY DUTY.]** Section 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

**RESIDENCE—WHEN NOT LOST.]** Section 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States, or of this State, or in the military or naval service of the United States.

**SOLDIER STATIONED HERE, NOT RESIDENT.]** Section 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

**QUALIFICATIONS FOR OFFICE.]** Section 6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

**DISENFRANCHISEMENT FOR CRIME.]** Section 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

## STATUTORY PROVISIONS.

### PUBLIC OFFICERS—WHEN ELECTED.

**ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF UNITED STATES—ELECTION.]** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be elected, by general ticket, on the Tuesday next after the first Monday in November preceding the expiration of the term of office of each President of the United States, as many electors of President and Vice-President of the United States, as this State may be entitled to elect, which election shall be conducted and returns thereof made as hereinafter provided: *Provided,* that if Congress should hereafter fix a different day for such election, then the election for electors shall be held on such day as shall be named by act of Congress.

**RETURNS—CANVASS—TIE.]** Section 2. The county clerks of the several counties shall, within eight days next after holding an election for electors of President and Vice-President of the United States, as is provided for in this act, make three copies of the abstract of votes for electors, and transmit by mail one of said copies to the Governor, another to the office of the Secretary of State, and retain the third in his office, to be sent for by the Governor in case both the others should be mislaid. Within twenty days after the holding of such election, and sooner, if all the returns are received by either the Governor or by the Secretary of State, the Secretary of State, Auditor of Public Accounts and Treasurer, or any two of them, shall, in the presence of the Governor, proceed to open and canvass said election returns, and to declare the persons having the highest number of votes elected; but should any two or more persons be returned with an equal, and the highest vote, the said Secretary of State shall cause a notice of the same to be published, which notice shall name some day and place, not less than five days from the time of the publication of such notice, upon which the said Secretary, Auditor and Treasurer will decide by lot which of said persons so equal and highest, is elected. And upon the day and at the place so appointed in said notice, the said Secretary, Auditor and Treasurer, or any two of them, shall, in the presence of the Governor, decide by lot which of the persons so equal and highest shall be elected.

**RESULT TO BE PUBLISHED—CERTIFICATE SENT TO PERSON ELECTED.]** Section 3. The Governor shall cause the result of said election to be published, and shall transmit by mail, to the persons elected, certificates of their election.

**MEETING OF ELECTORS—MILEAGE.]** Section 4. The electors, chosen as aforesaid, shall meet at the seat of government of this State, at the time appointed by the laws of the United States, and give their votes, in the manner therein provided, and perform such duties as are or may be required by law. Each elector shall receive for every twenty miles necessary travel in going to the seat of government to give his vote, and returning to his residence, to be com-



puted by the most usual route, the sum of three dollars, to be paid on the warrant of the Auditor, out of any money in the treasury not otherwise appropriated.

**VACANCY FILLED.]** Section 5. In case any person declared duly elected an elector of President and Vice-President of the United States shall fail to attend at the State House, at the seat of government of this State, at or before the hour of twelve o'clock, at noon, of the day on which his vote is required to be given, it shall be the duty of the elector or electors of President and Vice-President, attending at the time and place, to appoint a person or persons to fill such vacancy: *Provided*, that should the person or persons chosen by the people, as aforesaid, arrive at the place aforesaid before the votes for President and Vice-President are actually given, the person or persons appointed to fill such vacancy shall not act as elector of President and Vice-President.

#### STATE OFFICERS.

**GOVERNOR, LIEUTENANT-GOVERNOR, SECRETARY OF STATE, AUDITOR OF PUBLIC ACCOUNTS AND ATTORNEY-GENERAL.]** [Section 7, original act.] Section 6. The Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts and Attorney-General shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter.

**SUPERINTENDENT OF PUBLIC INSTRUCTION.]** [Section 8, original act.] Section 7. The Superintendent of Public Instruction shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1874, and every four years thereafter.

**STATE TREASURER.]** [Section 9, original act.] Section 8. The State Treasurer shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every two years thereafter.

**TRUSTEES OF THE UNIVERSITY OF ILLINOIS.]** [Chapter 144, sections 1 and 2.] Section 9. There shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1888, and every two years thereafter, three trustees of the University of Illinois, whose term of office shall be six years from the second Tuesday of March next succeeding the dates of their several elections, and until their successors shall have been elected and qualified.

**REPRESENTATIVES IN CONGRESS.]** [Section 6, original act.] Section 10. Representatives in Congress shall be elected on Tuesday next after the first Monday in November, in the year of our Lord 1872, and every two years thereafter; but if Congress shall fix a different day, then such election shall be held on the day so fixed by Congress.

**STATE BOARD OF EQUALIZATION.]** [Section 26, original act.] Section 11. There shall be elected in each Congressional district, on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter, a member of the State Board of Equalization.

**STATE SENATORS.]** [Section 14, original act.] Section 12. State Senators shall be elected as follows, to-wit: Those in districts bearing even numbers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter. Those in districts bearing odd numbers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1874, and every four years thereafter.

**MEMBERS OF THE HOUSE OF REPRESENTATIVES.]** [Section 15, original act.] Section 13. Members of the House of Representatives shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every two years thereafter.

#### JUDGES.

**JUDGES OF THE SUPREME COURT.]** [Section 10, original act.] Section 14. The judges of the Supreme Court shall be elected as follows, to-wit: In the first, second, third, sixth and seventh districts, on the first Monday of June, in the year of our Lord 1879, and every nine years thereafter. In the fourth district, on the first Monday of June, in the year of our Lord 1876, and every nine years thereafter. In the fifth district, on the first Monday of June, in the year of our Lord 1873, and every nine years thereafter.

**JUDGES OF THE CIRCUIT COURT.]** [Chapter 37, Sections 71d and 74.] Section 15. The judges of the Circuit Court, three for each circuit outside the county of Cook, and fourteen (14) in the county of Cook, shall be elected on the first Monday of June, in the year of our Lord 1897, and every six years thereafter.

**JUDGES OF THE SUPERIOR COURT OF COOK COUNTY.]** [Section 13, original act.] Section 16. Each of the sitting judges of the Superior Court of Cook County shall hold his office until the expiration of the term for which he was elected, and from and after the passage of this act, the twelve (12) judges of the Superior Court of Cook County shall be elected as follows: One judge on the first Monday in June in the year of our Lord 1897, and every six (6) years thereafter; and six (6) judges on Tuesday next after the first Monday in November, in the year of our Lord 1898, and every six (6) years thereafter; and four (4) judges on Tuesday next after the first Monday in November, in the year of our Lord 1899, and every six (6) years thereafter; and one judge on the first Tuesday after the first Monday in November, in the year of our Lord 1901, and every six (6) years thereafter. Each of the judges so elected as above provided, shall enter upon the duties of his office on the first Monday of December next after his election, and shall hold office for a term of six (6) years, and until his successor is elected and qualified.

**ELECTION OF COUNTY JUDGES.]** [Section 16, original act.] Section 17. The County Judge, in each county, shall be elected on Tuesday next after the first Monday in November, 1882, and every four years thereafter, and shall enter upon the duties of his office on the first Monday of December after his election, and shall hold his office until his successor is elected and qualified.

**JUDGES OF COURTS OF PROBATE.]** [Chapter 37, Sections 216-218.] Section 18. A judge of the Probate Court, in each county having a population of seventy thousand or more, shall be elected on Tuesday after the first Monday in November, at the same election at which the County Judge is elected, and every fourth year thereafter, and shall enter upon the duties of his office on the first Monday of December after his election, and shall hold his office until his successor is elected and qualified.

**JUDGES OF CITY COURTS.]** [Chapter 37, Section 244.] Section 19. Judges of city courts shall be elected in the same manner that the city officers of such city are elected, but not at the same time, and shall hold their office for the term of four years, and until their successors are elected and qualified.

#### CLERKS.

**CLERK OF THE SUPREME COURT.]** [Section 11, original act.] Section 20. A clerk of the Supreme Court, in each grand division, shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every six years thereafter.

**CLERK OF THE APPELLATE COURT.]** [Chapter 37, Section 20.] Section 21. One clerk of the Appellate Court shall be elected in each Appellate Court district, on the Tuesday next after the first Monday in November, 1878, and every six years thereafter. Said clerk shall be commissioned by the Governor.

**CLERK OF THE CIRCUIT COURT.]** [Section 18, original act.] Section 22. The clerks of the circuit court shall be elected on Tuesday next after the first Monday of November in the year of our Lord 1872, and every four years thereafter.

**CLERK OF THE SUPERIOR COURT OF COOK COUNTY.]** [Section 19, original act.] Section 23. The clerk of the superior court of Cook county shall be elected on Tuesday next after the first Monday of November, A. D. 1884, and every four years thereafter, and shall enter upon the duties of his office on the first Monday of December after his election.

**CLERK OF CRIMINAL COURT OF COOK COUNTY.]** [Section 20, original act.] Section 24. The clerk of the criminal court of Cook county shall be elected on Tuesday next after the first Monday of November, 1886, and every four years thereafter.

**COUNTY CLERKS.]** [Section 16, original act.] Section 25. The county clerks, in each county, shall be elected on Tuesday next after the first Monday of November, A. D. 1882, and every four years thereafter, and shall enter upon the duties of their office on the first Monday of December after their election.

**PROBATE CLERKS.]** [Chapter 37, Section 228.] Section 26. A clerk of probate court, in each county where such court is established, shall be elected at the same time as the probate judge is elected, and every four years thereafter, and shall hold his office until his successor is elected and qualified.

**CLERK OF CITY COURT.]** [Chapter 37, Section 246.] Section 27. There shall be elected, in like manner as judges are elected, for each city court established by law, a clerk who shall hold his office for the term of four years, and until his successor shall be elected and qualified.

#### COUNTY OFFICERS.

**SHERIFFS.]** [Section 17, original act.] Section 28. The sheriff, in each county, shall be elected on Tuesday next after the first Monday of November, A. D. 1882, and every four years thereafter, and shall enter upon the duties of his office on the first Monday of December after his election.

**CORONERS.]** [Section 17, original act.] Section 29. A coroner, in each county, shall be elected on the Tuesday next after the first Monday of November, A. D. 1884, and every four years thereafter, and shall enter upon the duties of his office on the first Monday of December after his election.

**CLERK OF CIRCUIT COURT.]** [Section 18, original act.] Section 30. The clerks of the circuit court shall be elected on Tuesday next after the first Monday of November in the year of our Lord 1872, and every four years thereafter.

**ELECTION OF COUNTY TREASURERS.]** [Sections 21 and 22, original act.] Section 31. County treasurers shall be elected on Tuesday next after the first Monday of November, 1882, and every four years thereafter; they shall enter upon the duties of their offices on the first Monday of December after their election. No person having once been elected county treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

**ELECTION OF COUNTY SURVEYORS.]** [Section 23, original act.] Section 32. A county surveyor shall be elected in and for each county on Tuesday next after the first Monday of November in the year 1884, and every four years thereafter, and shall enter upon his office on the first Monday in December after his election.

**ELECTION OF COUNTY SUPERINTENDENTS OF SCHOOLS.]** [Section 24, original act.] Section 33. County superintendents of schools shall be elected on Tuesday next after the first Monday of November, 1882, and every four years thereafter; they shall enter upon their offices on the first Monday of December after their election.

**ELECTION OF STATE'S ATTORNEYS.]** [Section 25, original act.] Section 34. A state's attorney shall be elected in each county on Tuesday next after the first Monday of November, 1884, and every four years thereafter, and shall enter upon his office on the first Monday in December after his election.

**RECORDERS OF DEEDS IN CERTAIN COUNTIES.]** [Section 27, original act.] Section 35. In counties having a population of sixty thousand or more, there shall be elected a recorder of deeds, on Tuesday next after the first Monday of November, in the year of our 1872, and every four years thereafter.

**COUNTY COMMISSIONERS.]** [Section 28, original act.] Section 36. In counties not under township organization, there shall be elected, on Tuesday next after the first Monday of November in each year, one county commissioner, who shall hold his office for the term of three years.

**COUNTY COMMISSIONERS OF COOK COUNTY.]** [Chapter 34, sections 60 and 61.] Section 37. On the first Tuesday after the first Monday in November, A. D. 1894, and every two years thereafter, there shall be elected in Cook county fifteen (15) county commissioners who shall hold their offices respectively for the term of two years and until their successors are elected and qualified. Ten of said commissioners shall be elected from the city of Chicago, by the legal voters of said city, and five of said commissioners shall be elected from the towns outside of said city, by the legal voters of said towns. Every legal voter in said county may vote for and designate (upon his ballot cast for county commissioners) one of the candidates for commissioner to be president of the county board; and the person who shall receive the highest number of such votes shall be declared elected president of such board. Terms of office of said commissioners shall begin on the first Monday of December after their election. Each of the commissioners shall have been a resident of said county for five years next preceding his election.

**JUSTICES AND CONSTABLES.]** [Chapter 79, section 1.] Section 38. That on the first Tuesday in April, A. D. one thousand eight hundred and ninety-seven, and at each quadrennial election for town officers thereafter, there shall be elected in each town in counties under township organization (except as to justices of the peace in the city of Chicago, in Cook county), and on Tuesday next after the first Monday in November, A. D. one thousand eight hundred and ninety-seven, and on the same day quadrennially thereafter, there shall be elected in each election precinct in counties not under township organization, two justices of the peace and two constables, and one justice of the peace and one constable for every one thousand inhabitants exceeding two thousand inhabitants of such town or precinct: *Provided*, no more than five justices of the peace and five constables shall be elected in any town or precinct, and that in towns containing any portion of the city of Chicago, there shall be elected one additional constable for each additional ten thousand inhabitants of such towns exceeding ten thousand inhabitants, and no more.

The term of office of justices of the peace and constables shall be four years and until their successors are elected and qualified. In counties under township organization their terms shall commence on the first Monday in May and in counties not under township organization on the first Monday in December after their election. No justice of the peace shall hold the office of police magistrate.

## ARTICLE II.

### ELECTION PRECINCTS AND OFFICERS.

**PRECINCTS.]** [Section 29, original act.] Section 1. In counties not under township organization, the election precincts shall remain

as now established until changed by the board of county commissioners, but said county board may, from time to time, change the boundaries of election precincts and establish new ones. In counties under township organization, each town shall constitute an election precinct.

**CHANGE OF ELECTION PRECINCTS—DIVIDING PRECINCTS INTO DISTRICTS.** [Section 30, original act.] Section 2. The county board in each county shall at its regular (or at a special) meeting in the month of July, 1885, respectively divide its election precincts, which contain more than four hundred and fifty voters, into election districts, so that each district shall contain, as near as may be practicable, four hundred voters, and not more, in any case, than four hundred and fifty. Said districts shall be composed of contiguous territory, and in as compact a form as can be for the convenience of the electors voting therein. The several county boards, in establishing said districts, shall describe them by metes and bounds and number them. And so often thereafter as it shall appear by the number of votes cast at the general election held in November of any year, that any election district, or undivided election precinct, contains more than four hundred and fifty, the county board of the county in which such district or precinct may be, shall, at its regular (or at a special) meeting in the month of July next after such November election, re-divide or re-adjust the election districts, or divide such election precincts, so that no district or undivided election precinct shall contain more than the number of votes above specified. If said division or re-adjustment is not made at such July meeting, it may be made at an adjourned or special meeting of said county board, to be held in the month of August next thereafter. The county board in every case shall fix and establish the places for holding elections in its respective county, and all general and special elections shall be held at the places so fixed. The said polling places shall, in all cases, be upon the ground floor, in the front room, the entrance to which is in a highway or public street, which is at least forty feet wide, and as near the center of the voting population of the district as is practicable, and for the convenience of the greatest number of electors to vote thereat, and in no case shall an election be held in any room used or occupied as a saloon, dramshop, billiard hall, bowling alley or as a place of resort for idlers and disreputable persons, or any room connecting therewith by doors or hallways. No person shall be permitted to vote at any election except in the district in which he resides: *Provided*, that the county board may, if it deem it to be for the best interest of the voters of any town or precinct, divide any election precinct which contains more than three hundred legal voters into two election precincts, same precincts to contain as near two hundred voters as is possible.

#### ELECTION OFFICERS.

**JUDGES—HOW APPOINTED.** [Section 32, original act.] Section 3. In counties not under township organization, the county board shall, at its regular (or at a special) meeting in the month of July in each

year, appoint, in each election precinct or district, three capable and discreet electors to be judges of elections and who shall possess the qualifications required by this act for such judges. They shall hold their office for one year from their appointment and until their successors are duly appointed. The said county board may at any time fill vacancies in said offices. No more than two persons of the same political party shall be appointed judges of the same election district, or undivided precinct.

**QUALIFICATIONS OF JUDGES.]** [Section 31, original act.] Section 4. Every person elected or chosen judge of elections shall be of fair character, approved integrity, well informed, who can read, write and speak the English language, and has resided in the election precinct or district, in which he is to serve, for one year next preceding the election, and is entitled to vote therein at such election.

**JUDGES IN COUNTIES UNDER TOWNSHIP ORGANIZATION.]** [Section 33, original act.] Section 5. In counties under township organization, the county board shall at its regular (or at a special) meeting in the month of July of each year, except where such judges and clerks are appointed by election commissioners, appoint in each election district or precinct in the county three capable and discreet electors to be judges of elections, and who shall possess the qualifications required by this act for such judges. The town supervisor shall be appointed as one of such judges of election in the district or precinct in which he resides. No more than two persons of the same political party shall be appointed judges of the same election district or precinct. Such election judges shall hold their office one year from their appointment and until their successors are duly appointed. The said county board may fill vacancies in said office at any time.

**NOTICE OF APPOINTMENT.]** [Section 34, original act.] Section 6. Immediately on the appointment of such judges, the county clerk shall make out and deliver to the sheriff of the county, a notice thereof, directed to each person so appointed, and the sheriff shall, within twenty days after the receipt of such notices, deliver the same to the several judges so appointed.

**TERM OF OFFICE.]** [Section 35, original act.] Section 7. The judges so appointed shall be and continue judges of all general and special elections held within their respective precincts or districts until other judges shall be appointed in like manner.

**VACANCIES FILLED.]** [Section 36, original act.] Section 8. If, at the time for the opening of any election, any person appointed or constituted a judge of election shall not be present, or will not act or take the oath to act in such capacity, the judge or judges present may appoint some other qualified elector to act in his place. If there be no judge of election present, or he refuse to act, such electors of the precinct or district as may then be present at the place of election, may fill the places of such judges by election from their number. The judges so appointed shall have the same power and be subject to the same penalties as other judges of election.

**CLERKS OF ELECTION.]** [Section 37, original act.] Section 9. The judges of election shall choose three persons having similar qualifications with themselves to act as clerks of election, who may continue to act as such during the pleasure of the judges. But no more than two persons of the same political party shall be so chosen as such clerks of election for the same election district or precinct.

**OATH.]** [Section 38, original act.] Section 10. Previous to any vote being taken, the judges and clerks of the election shall severally subscribe and take an oath or affirmation in the following form, to-wit:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of judge of election (or clerk, as the case may be,) according to the best of my ability, and that I have resided in this election district for one year next preceding this election, and am entitled to vote at this election."

**BY WHOM ADMINISTERED.]** [Section 39, original act.] Section 11. In case there shall be no judge or justice of the peace present at the opening of the election, or in case such judge or justice shall be appointed a judge or clerk of election, it shall be lawful for the judges of the election to administer the oath or affirmation to each other, and to the clerks of the election; and the person administering such oath or affirmation, shall cause an entry thereof to be made and subscribed by him, and prefixed to each poll book.

**CONSTABLES—COUNTY BOARD, OR JUDGES, MAY APPOINT.]** [Section 43, original act.] Section 12. The county board may appoint one or more constables to attend each place of holding elections, and preserve order during the election; if no constable is appointed by the county board to attend any place of holding election, or if others shall be necessary to preserve order, the judges of election may appoint one or more constables for that purpose.

**SPECIAL CONSTABLE.]** [Section 44, original act.] Section 13. The judges of election may appoint any suitable person to act as a special constable during the election.

**SUPPRESSING RIOT, ETC.—ARREST.]** [Section 45, original act.] Section 14. Any constable attending such election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.

### ARTICLE III.

#### REGISTRATION OF ELECTORS.

**BOARD OF REGISTRATION—MEETING—REGISTER.]** [Section 135, original act.] Section 1. The persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges of elections in any town, city or ward, or other election district or precinct, shall constitute a "board of registry" for their respective towns,



cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any State election, at 9 o'clock a. m., and proceed to make a list, as hereinafter prescribed of all persons qualified and entitled to vote at the ensuing election in the election district of which they are judges which list when completed, shall constitute and be known as the "register" of electors of said election district. In election districts in towns which lie wholly within the limits of an incorporated city, a register of electors shall be made for all elections, whether general, special, local or municipal, in the same manner as herein provided in the case of State elections.

**MANNER OF MAKING REGISTER, ETC.—FIRST MEETING.]** [Section 136, original act.] Section 2. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show, in one column, the name in full length, and in another column in cities, the residence, by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person. It shall be the duty of said board to enter in said list the names of all persons residing in their election district, whose names appear on the poll list kept in said district at the last preceding election—in cities the number of the dwelling and the name of the street or other location, if the same shall be known to or can be ascertained by such board—and for this purpose said board is authorized to take from the office in which they are filed the poll lists made and filed by the judges of such district, at the election held next prior to the making of such register. In making said list, the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on the poll list who have died or removed from the district shall be omitted from the register. The said board shall complete, as far as practicable, the said register on the day of its meeting, aforesaid, and shall make two copies thereof, and certify the register and each of the copies to be a true list of the voters in said district, so far as the same are known. Within two days thereafter, the said original list, together with the list taken from the office, as aforesaid, shall be filed by said board in the office of the town clerk of the town in which said election district may be; but in counties not adopting township organization, said list shall be filed with the judges of election in the proper district, or, if such election district is in a city, then it shall be filed in the office of the city clerk of said city. And one copy of said list shall be kept by one of said judges, and carefully preserved by him for use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place where the last preceding election in said district was held, and be accessible to any elector who may desire to examine the same or make copies thereof.

**NEW ELECTION DISTRICTS.]** [Section 137, original act.] Section 3. In case a new election district shall be formed by the organization of a new town, or by the division of any town or ward, or the

incorporation of a city or town, the judges of election in the new district thus formed may make their registry of electors on the day prescribed by this act, in such a manner as a majority of them may direct, and for that purpose may make a list, or cause to be made a certified copy of the prior list or lists of the district in which such new district is situated, or they may dispense with such list or lists and proceed to make a register of electors from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in said new district, and shall be posted up and copies thereof made, as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

**REVISION REGISTER—SECOND MEETING.]** [Section 138, original act.] Section 4. The said board shall again meet on Tuesday of the week preceding the said elections, in their respective election districts, at the place designated for holding the polls of the election, for the purpose of revising, correcting and completing said lists; and for this purpose, in cities, they shall meet at eight o'clock in the morning and remain in session until nine o'clock p. m., and in other districts they shall meet at nine o'clock in the morning and remain in session until four o'clock p. m.

**PROCEEDINGS OPEN—CORRECTIONS, ETC.]** [Section 139, original act.] Section 5. The proceedings of said board shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said board in relation to corrections or additions to said register. One of the lists so kept by the judges, as aforesaid, shall be used by them on the day or days of making corrections or additions, for the purpose of completing the registry for such district.

**REVISING REGISTER—ADDITION OF NEW NAMES.]** [Section 140, original act.] Section 6. It shall be the duty of said board, at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proved by the oath of two legal voters of said district, to the satisfaction of said board, to be non-resident of said district, or otherwise not entitled to vote in said district, at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on said list shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at elections, and shall also be subject to the same penalties for refusing to give such information or for falsely giving the same and shall also be subject to challenge, either by the judges, or either of them, or by any other elector whose name appears on said alphabetical list; and the same oaths may be administered by the judges as now provided in case of persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him

to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

**COPIES OF REGISTER—FILING—DELIVERY TO JUDGES—VOTING—SWEARING IN VOTE, ETC.]** [Section 141, original act.] Section 7. After said lists shall have been fully completed, the said board shall, within three days thereafter, cause two copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of said district, one of which shall be filed in the office of the town clerk of towns, and in the office of city clerks of cities, and one of which copies shall be delivered to said judges. It shall be the duty of the said judges so receiving such list, carefully to preserve the said list for their use on election day, and to designate two of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register. No vote shall be received at any State election if the name of the person offering to vote be not on the said register made on the Tuesday preceding the election, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating therein that he is an inhabitant of said district and entitled to vote therein at such election, and prove by the oath of a householder and registered voter of the district in which he offers to vote that he knows such person to be an inhabitant of the district, and, if in any city, giving the residence of such person within said district. The oath may be administered by one of the judges of the election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved and filed in the office of the town or city clerk, or in case there be no clerk, then said oath shall be filed with and preserved by the judges of the proper district. Any person may be challenged, and the same oaths shall be put as are now or hereafter may be prescribed by law.

**POLL LIST AND REGISTER TO BE FILED.]** [Section 143, original act.] Section 8. After the canvass of the votes, one of said poll lists and said registers so kept and checked, as aforesaid, shall be attached together and shall be, on the following day, filed in the town or city clerk's office (as the case may be) in which said district may be, or in case there be no such clerk, then such poll lists and register shall be filed with and preserved by the judges, to be used by the board of registry in making the list of voters at the next State election; the other of the said poll lists and registers, so kept and checked, shall be returned to the office of the county clerk of the county in which said district may be, at the same time the returns of the election are made.

**REGISTERS OPEN TO INSPECTION.]** [Section 144, original act.] Section 9. The registers shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

**PRESERVING ORDER.]** [Section 140, original act.] Section 10. The said board shall have and exercise the same power in preserving order at their meetings, under this act, as are given to judges of elections for preserving order on election days; and resolutions in said board shall be filed in the same manner that returns are now filed at elections.

**BLANKS TO BE FURNISHED.]** [Section 140, original act.] Section 11. The necessary blanks for making the returns required by law, shall be prepared by the Secretary of State, and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

**EXCEPTIONS.]** Section 12. This article shall not apply to cities, villages and incorporated towns that have adopted or shall hereafter adopt an act entitled "An act regulating the holding of elections, and declaring the result thereof in cities, villages and incorporated towns in this State." Approved June 19th, 1885

## ARTICLE IV.

### COMPENSATION OF ELECTION OFFICERS.

**JUDGES AND CLERKS.]** [Section 63, original act.] Section 1. All judges and clerks of election, in counties of the first and second class shall be allowed the sum of three (\$3) dollars per day for their services, and judges and clerks of election in counties of the third class the sum of five (\$5) dollars each per day for their services.

**SPECIAL CONSTABLE.]** [Section 44, original act.] Section 2. Constables serving at elections, by appointment of the county board or of the judges of election, shall be paid out of the county treasury not exceeding two dollars for each day's service.

**BOARD OF REGISTRATION.]** [Section 145, original act.] Section 3. Members of the board of registration shall each receive two dollars per day for each day actually employed, not exceeding two days, in the making and completion of the registry.

**MODE OF PAYMENT.]** [Section 75, original act.] Section 4. The county clerk, on receipt of the returns of any general or special election, shall make out his certificate stating the compensation to which members of the board of registration and judges and clerks of election are entitled for their services, and lay the same before the county board at its next session; and said board shall order the compensation aforesaid to be paid out of the county treasury.

## ARTICLE V.

### NOMINATION OF CANDIDATES.

**NOMINATION OF CANDIDATES.]** [Section 290, original act.] Section 1. Any convention of delegates and any caucus or meeting of qualified voters as hereinafter defined, and individual voters to the

number and in the manner hereinafter specified, may nominate candidates for political office, whose names shall be placed upon the ballots to be furnished as hereinafter provided: *Provided*, that in any county, city, village or incorporated town, respectively, in which an act entitled "An act providing for primary elections of delegates to nominating conventions of political parties or organizations, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," shall be in force; no candidate nominated by any convention of any political party or organization of any such county, city, village or incorporated town or any part thereof, or for the Congress of the United States, shall have his name printed on any official ballot printed and distributed at the public expense in such county, city, village or incorporated town, or any part thereof, unless such candidate shall be nominated by a convention composed of delegates elected for that purpose at the primary election of such political party last preceding the holding of such convention, according to the act entitled "An act providing for primary elections of delegates to nominating conventions of political parties or organizations and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof."

**CAUCUS NOMINATIONS—CERTIFICATE AND REQUISITES.** [Section 291, original act.] Section 2. Any convention of delegates, caucus or meeting representing a political party, which at the general election next preceding polled at least two per cent. of the entire vote cast in the State, or in the electoral district or division thereof, or in the municipality for which the nomination is made, may for the State, or for the electoral district or division thereof, or municipality for which the convention, caucus or meeting is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as are required in section four of this article, and shall be signed by the presiding officer and by the secretary of the convention, caucus or meeting, who shall add to their signatures their places of residence. Such certificates shall be sworn to by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

**NOMINATION CERTIFICATES—SIGNATURES.** [Section 292, original act.] Section 3. Nominations of candidates for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by not less than one thousand qualified voters of the State. Nominations of candidates for office within any district or political division less than the State, and in all cities having a population in excess of 5,000, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or political division, not less than one for each fifty persons who voted at the next pre-

ceeding general election in such district or division, but in no case by less than twenty-five. In elections to be held in a town, village, precinct or ward, and in all cities with a population not exceeding 5,000, the signatures of voters thereof equaling five per cent. of the vote cast therein at the last preceding election shall be sufficient for the nomination of a candidate who is to be voted for only in such town, village, precinct, ward or city. Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more: *Provided*, that the name of any candidate whose name may appear in any other place upon the ballot, shall not be so added by petition for the same office.

NOMINATION PAPERS—REQUISITES.] [Section 293, original act.] Section 4. All certificates of nomination or nomination papers shall, besides containing the names of candidates, specify as to each:

1. The office to which he is nominated.
2. The party or political principle which he represents, expressed in not more than five words.
3. His place of residence, with the street and number thereof, if any. In the case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party or political appellation.

CERTIFICATES TO BE FILED.] [Section 294, original act.] Section 5. Certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of the entire State, or any division or district greater than a county, shall be filed with the Secretary of State at least thirty days previous to the day of election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county clerk of the respective counties at least thirty days previous to the day of such election: *Provided*, that certificates of nomination and nomination papers for the nomination of candidates for the offices in cities, villages and incorporated towns, and for town offices in counties under township organization, shall be filed with the clerks of the towns, cities, villages and incorporated towns at least fifteen days previous to the day of such election.

WITHDRAWAL OF NOMINATIONS.] [Section 295, original act.] Section 6. Any person whose name has been presented as a candidate or who has been nominated by more than one convention, caucus or meeting of qualified voters, may cause his name to be withdrawn from any such nomination by his request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgment of deeds, and filed with the Secretary of State not less than fifteen (15) days, or with the proper clerk not less than eight (8) days previous to the day of election, and no name so withdrawn shall be printed upon the ballots under the party appellation or title from which the candidate has withdrawn his name. In case the certificate of nomination or petition, as provided for in this act, shall contain or exhibit the name of any candidate for any office upon

more than one of said certificates or petitions (for the same office), then and in that case the Secretary of State or county clerk, as the case may be, shall immediately notify said candidate of said fact and that his name appears unlawfully upon more than one of said certificates or petitions, and that within five (5) days from the receipt of said notification, said candidate must elect as to which of said political party appellations or groups he desires his name to appear and remain under upon said ballot, and if said candidate refuses, fails or neglects to comply with the provisions herein, then and in that case the Secretary of State or county clerk, as the case may be, shall not permit the name of said candidate to appear or be printed or placed upon said ballot under any or either of said political party appellations or groups. All certificates of nomination and nomination papers, when filed, shall be open, and under proper regulation, to public inspection, and the Secretary of State and the several clerks having charge of nomination papers shall preserve the same in their respective offices not less than six (6) months.

**DEATH OR DECLINATION OF CANDIDATE—VACANCY.** [Section 296, original act.] Section 7. In case a candidate who has been duly nominated under the provisions of this article die before election day, or decline the nomination, as in this article provided, or should any certificate of nomination be held insufficient or inoperative by the officer with whom they may be filed, the vacancy or vacancies thus occasioned may be filled by the political party or other persons making the original nominations, or, if the time is insufficient therefor, then the vacancy may be filled, if the nomination was by convention or caucus, in such manner as the convention or caucus had previously provided, or, in case of no such previous provision, then by regularly elected general or executive committee representing the political party or persons holding such convention, meeting or caucus. The certificates of nomination made to supply such vacancy shall state, in addition to the other facts required by section four of this article, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and it shall be signed and sworn to by the presiding officer and secretary of the convention or caucus, or by the chairman and secretary of the duly authorized committee, as the case may be.

**CERTIFICATES OF NOMINATION—OBJECTIONS.** [Section 297, original act.] Section 8. The certificates of nomination and nomination papers being so filed and being in apparent conformity with the provisions of this article, shall be deemed to be valid, unless objection thereto is duly made in writing. Such objections or other questions arising in relation thereto in the case of nomination of State officers shall be considered by the Secretary of State and the Auditor and Attorney-General, and the decision of the majority of these officers shall be final. Such objections or questions arising in the case of nominations for officers to be elected by the voters of a division less than the State and greater than a county, shall be considered by the

county judges of the counties embraced in such division, and the decision of a majority of these officers shall be final. Such objections or questions arising in the case of nominations of candidates for county offices, shall be considered by the county judge, county clerk and State's attorney for such county, and the decision of a majority of said officers shall be final. Objections or questions arising in the case of nominations of city, town or village officers shall be considered by the mayor or president of the board of trustees, and the city, town or village clerk, with whom one alderman or trustee thereof, as the case may be, chosen by lot, shall act, and the decision of a majority of such officers shall be final. Such objections arising in the case of nominations of town officers shall be considered by the board of auditors of such town, and the decision of a majority of such auditors shall be final. In any case where such objection is made, notice shall forthwith be given to the candidates affected thereby addressed to their places of residence as given in the nomination papers, and stating the time and place when and where such objections will be considered: *Provided*, that in cities, towns or villages having a board of election commissioners, such questions shall be considered by such board, and its decision shall be final.

**NOMINATIONS TO FILL VACANCY.]** [Section 298, original act.] Section 9. When such certificate is filed with the Secretary of State, he shall, in certifying nominations to the various county clerks, insert the name of the person who has been thus nominated to fill vacancy in place of the original nominee, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, with the other details mentioned in certificates of nominations filed with the Secretary of State, and in cases where such clerk is not charged by this act with the printing of the ballots, he shall immediately certify the name so supplied to the authorities charged with the printing of the ballots. The name so supplied for the vacancy shall, if the ballots are not already printed, be placed on the ballots in place of the name of the original nominee, or if the ballots have been printed, new ballots, whenever practicable, shall be furnished.

**PASTERS—STAMPING ON BALLOTS.]** [Section 299, original act.] Section 10. Whenever it may not be practicable to have new ballots printed, it shall be the duty of the election officer having charge of the ballots, to place the name supplied for the vacancy upon each ballot issued before delivering it to the voter; the name so supplied may be placed upon the ballots either by affixing a paster or by writing or stamping the name on the ballot; and to enable this to be done the officer with whom the certificates of nomination are to be filed shall immediately furnish the name of such substituted nominee to all judges of election within the territory in which such nominee may be a candidate.

**NOTICE TO COUNTY CLERK.]** [Section 300, original act.] Section 11. Not less than fifteen days before an election to fill any public office, the Secretary of State shall certify to the county clerk of each



county within which any of the electors may by law vote for candidates for such office, the name and description of each person nominated for such office, as specified in the certificates of nomination filed with the Secretary of State.

## ARTICLE VI.

### NOTICE OF ELECTION.

**MANNER OF GIVING NOTICE.]** [Section 46, original act.] Section 1. At least thirty days previous to any general election, and at least twenty days previous to any special election, except in cases otherwise provided for, the county clerk, in counties not under township organization, shall make out and deliver to the sheriff of his county, or in counties under township organization to the several supervisors of his county, three notices thereof for each precinct or district in which the election in such county is to be held. The notice may be substantially as follows:

Notice is hereby given that on (give the date), at (give the place of holding the election and the name of the precinct or district) in the county of (name of county), an election will be held for (give the title of the several offices to be filled), which election will be opened at seven o'clock in the morning and continued open until five o'clock in the afternoon of that day.

Dated at \_\_\_\_\_, this --- day of -----, in the year of our Lord one thousand eight hundred and -----.

*A. B., County Clerk.*

**SHERIFF OR SUPERVISOR TO POST.]** [Section 47, original act.] Section 2. The said sheriff or supervisor, to whom the notices are delivered, shall post up, in three of the most public places in each precinct or district, the three notices therefor, at least fifteen days before the time of holding a general election, and at least eight days before the time of holding a special election.

## ARTICLE VII.

### BALLOTS AND INSTRUCTIONS.

**BALLOTS PRINTED AT PUBLIC EXPENSE.]** [Section 288, original act.] Section 1. In all elections hereafter to be held in this State for public officers, except for trustees of schools, school directors, members of boards of education, officers of road districts in counties not under township organization, the voting shall be by ballots printed and distributed at public expense, as hereinafter provided, and no other ballots shall be used.

**EXPENSE BORNE BY CITIES, ETC.]** [Section 289, original act.] Section 2. The printing and delivery of the ballots and cards of instructions to voters, hereinafter described, shall, in municipal elections in cities, villages and incorporated towns, be paid for by the several cities, villages and incorporated towns respectively, and in

town elections by the town, and in all other elections the printing of the ballots and cards of instruction for the voters in each county and the delivery of them to the several voting precincts and election districts shall be paid for by the several counties respectively. The term "general election," as used in this act, shall apply to any election held for the choice of a national, State, judicial, district or county officer, whether for the full term or for the filling of a vacancy. The term "city election" shall apply to any municipal election held in a city, village or incorporated town.

**BALLOT—WHAT TO CONTAIN—HOW PRINTED—FORM.]** [Section 301, original act.] Section 3. The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, all nominations of any political party or group of petitioners being placed under the party appellation or title of such party or group as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except that in the case of electors for President and Vice-President of the United States the names of the candidates for President and Vice-President may be added to the party or political designation. If a constitutional amendment or other public measure is submitted to a vote, such question shall be printed upon the ballot after the list of candidates, and words calculated to aid the voter in his choice of candidates, or to answer any question submitted to vote, may be added, such as: "Vote for one," "vote for three," "yes," "no," or the like. On the back or outside of the ballot, so as to appear when folded, shall be printed the words "Official ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the election and a fac-simile of the signature of the clerk or other officer who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing can not be read. The party appellation or title shall be printed in capital letters, not less than one-fourth of an inch in height, and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed. The names of candidates shall be printed in capital letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall not be less than one-fourth of an inch in length. The list of candidates of the several parties and groups of petitioners shall be placed in separate columns on the ballot in such order as the authorities charged with the printing of the ballots shall decide.

As nearly as practicable the ballot shall be in the following form:

<input type="radio"/>	DEMOCRATIC.	<input type="radio"/>	REPUBLICAN.	<input type="radio"/>	PROHIBITION.
	For Governor.		For Governor.		For Governor.
<input type="checkbox"/>	JOHN M. PALMER.	<input type="checkbox"/>	JOSEPH W. FIFER.	<input type="checkbox"/>	DAVID H. HARTS.
	For Lieutenant Governor.		For Lieutenant Governor.		For Lieutenant Governor.
<input type="checkbox"/>	ANDREW J. BELL.	<input type="checkbox"/>	LYMAN B. RAY.	<input type="checkbox"/>	JOS. L. WHITLOCK.
	For Secretary of State.		For Secretary of State.		For Secretary of State.
<input type="checkbox"/>	NEWELL D. RICKS.	<input type="checkbox"/>	I. N. PEARSON.	<input type="checkbox"/>	JAMES R. HANNA.

[ And continuing in like manner as to all candidates to be voted for at such election.]

PRINTING OF BALLOTS—BY WHAT OFFICERS.] [Section 302, original act.] Section 4. For all elections to which this act applies, the county clerks, in their respective counties, shall have charge of the printing of the ballots for all general elections, and shall furnish them to the judges of election; the city, town, or village clerk shall have charge thereof and furnish them in all city elections; and the town clerk in counties under township organization shall have charge thereof and furnish the same in all town elections to which this act applies: *Provided*, that in cities, towns or villages having a board of election commissioners, such board shall have charge of the printing of the ballots and furnish them to the judges of election within the territory under their jurisdiction. Ballots shall be printed and in possession of the officer charged with their distribution at least two days before the election, and subject to the inspection of candidates and their agents; if any mistakes be discovered they shall be corrected without delay. The officer so charged with the printing of the ballots shall cause to be delivered to the judges of election at the polling place of each precinct or district, not less than twelve hours before the time fixed by law for the opening of the polls therein, one hundred ballots of the kind to be voted in such precinct or district for every fifty votes cast therein at the last preceding election for State officers; such ballots shall be put up in separate sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots enclosed, and receipt therefor shall be given by the judges of election to whom they are delivered, which receipt shall be preserved by the officer charged with the printing of the ballots. The officer or authorities charged with the printing and distribution of the ballots shall provide and retain at his or their office an ample supply of ballots, in addition to those distributed to the several voting precincts or districts, and if at any time on or before the day of election the ballots furnished to any precinct or district shall be lost, destroyed or exhausted before the polls are closed, on written application signed by a majority of the judges of such precinct or district,

or signed and sworn to by one of such judges, he shall immediately cause to be delivered to such judges, at the polling place, such additional supply of ballots as may be required and sufficient to comply with the provisions of this act.

**VOTE ON CONSTITUTIONAL AMENDMENTS—FORM OF BALLOT.]** [Section 303, original act.] Section 5. Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people, the substance of such amendment or other public measure shall be clearly indicated upon the ballot, and two spaces shall be left upon the margin, one for votes favoring the amendment or public measure, to be designated by the word "Yes," and one for votes opposing the amendment or measure, to be designated by the word "No." as in the form herein given:

Proposed amendment to the constitution giving judges a life term of office and making them appointive.	YES.	×
	NO.	

The elector shall designate his vote by a cross mark, thus (×).

**CUMULATIVE VOTING.]** [Section 304, original act.] Section 6. It may be stated in the certificates of nomination of candidates for Representative in the General Assembly what number of votes it is desired shall be printed as given to such candidate or candidates, and in such case the ballots shall be so printed. In any case where the certificate of nomination does not so state, then no number of votes shall be printed on the ballots as to the candidate or candidates named in such certificates.

**PRINTED INSTRUCTIONS FOR VOTERS.]** [Section 305, original act.] Section 7. The officer or officers whose duty it is to have the ballots printed, shall prepare full instructions for the guidance of voters at each election as to obtaining ballots, as to the manner of marking them and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of section four of article eight, section eleven of article nine, sections six, seven and eight of article ten, and sections fifteen and sixteen of article thirteen, to be printed in large, clear type, on separate cards, to be called cards of instruction; and such officer or officers shall furnish to the judges of election a sufficient number of such cards of instruction to enable the judges of election to comply with the provisions of this article.

**INSTRUCTION CARDS AND SPECIMEN BALLOTS TO BE POSTED.]** [Section 306, original act.] Section 8. The judges of election shall cause not less than one of such cards to be posted in each voting booth provided for the preparation of ballots, and not less than four of such cards to be posted in and about the polling places upon the day of election. Judges of election shall, not less than five days prior to an election, cause to be conspicuously posted, in five or more public places in their voting precinct or election district, a card of instruction and a specimen ballot printed on colored paper, contain-

ing the names, residence and party or political affiliations of all candidates nominated as herein provided, and to be voted for in such precinct, substantially in the form of the general ballot to be used herein, and the officers or authorities charged with the printing and distributing of the ballots shall cause to be published, prior to the day of election, in at least two newspapers, if there be so many published in such county, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made as herein provided, and to be voted for at such election, as near as may be, in the form in which they shall appear upon the general ballot.

The officer or officers whose duty it is to cause the printing and distribution of ballots shall have printed a sufficient number of specimen ballots and deliver the same to the judges of election, so as to enable said judges to comply with the provisions of this act.

JUDGES HAVE CHARGE OF BALLOTS.] [Section 307, original act.] Section 9. The judges of election of their respective election precincts or election districts shall have charge of the ballots and furnish them to the voter as hereinafter set forth.

## ARTICLE VIII.

### BALLOT BOXES, BOOTHS AND POLL BOOKS

BALLOT BOXES.] [Section 40, original act.] Section 1. The county board shall provide a sufficient number of ballot boxes, with secure locks and keys, at the expense of the county, for the several precincts and districts. There shall be an opening in the lid of each box not larger than is sufficient to admit a single closed ballot to be inserted therein at one time, through which each ballot voted shall be put into the box.

JUDGES TO KEEP BALLOT BOXES, ETC.] [Section 41, original act.] Section 2. The ballot boxes shall be delivered to and kept by the judges of election, and by them kept and delivered to their successors.

BLANKS, POLL BOOKS, ETC.] [Section 42, original act.] Section 3. The county clerk shall provide, at the expense of the county, proper blanks, poll books and other necessary election blanks for each precinct and district in his county, and cause a suitable number thereof to be delivered to the judges of election, at least ten days before any election is to be held.

BOOTHS AT POLLING PLACES—STATIONERY, ETC.—BOOTHS PRIVATE.] [Section 308, original act.] Section 4. All officers upon whom is imposed by law the duty of designating or providing polling places shall provide in each polling place so designated or provided a sufficient number of booths, which shall be provided with such supplies and conveniences, including shelves, pens, penholders, ink, blotters and pencils, as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots screened from all ob-

servation as to the manner in which they do so; and the guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting booths. The arrangement shall be such that the voting booths can only be reached by passing within said guard rail. They shall be within plain view of the election officers; and both they and the ballot boxes shall be within plain view of those outside of the guard rail. Each of said booths shall have three sides enclosed, one side, in front, to be closed with a curtain. Each side of each booth shall be six feet four inches high, and the curtain shall extend within two feet of the floor, which shall be closed while the voter is preparing his ballot. Each booth shall be at least thirty-two inches square, and shall contain a shelf at least one foot wide, at a convenient height for writing. No person, other than the election officers and the challengers allowed by law, and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the guard rail, except by authority of the election officers to keep order and enforce the law. The number of such voting booths shall not be less than one to every seventy-five voters or fraction thereof who voted at the last preceding election in the precinct or district. The expense of providing booths and guard rails and other things required in this act shall be paid in the same manner as other election expenses.

## ARTICLE IX.

### QUALIFICATION OF VOTERS.

WHO MAY VOTE.] [Section 65, original act.] Section 1. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

RESIDENCE.] [Section 66, original act.] Section 2. A permanent abode is necessary to constitute a residence within the meaning of the preceding section.

WHEN INMATES OF POOR-HOUSES, ASYLUMS, ETC., MAY VOTE.] [Section 66a, original act.] Section 3. No pauper or inmate of any county poor-house, insane asylum or hospital in this State, shall by virtue of his abode at such county poor-house, insane asylum or hospital be deemed a resident or legal voter in the town, city, village or election district or precinct in which such poor-house, insane asylum or hospital may be situated: but every such person shall be deemed a resident of the town, city, village, election district or precinct in which he resided next prior to becoming an inmate of such county poor-house, insane asylum or hospital.

**INMATES OF SOLDIERS' AND SAILORS' HOMES.]** [Section 66b, original act.] Section 4. Every honorably discharged soldier or sailor who shall have been an inmate of any soldiers' and sailors' home within the State of Illinois for ninety days or longer, and who shall have been a citizen of the United States and resided in this State one year, in the county where any such home is located ninety days, and in the election district thirty days next preceding any election, shall be entitled to vote in the election district in which any such soldiers' and sailors' home in which he is an inmate as aforesaid, is located, for all officers that now are or hereafter may be elected by the people, and upon all questions that may be submitted to the vote of the people: *Provided*, that he shall declare upon oath, if required so to do by any officer of election in said district, that it was his *bona fide* intention at the time he entered said home to become a resident thereof.

**AFFIDAVIT OF QUALIFICATION.]** [Section 67, original act.] Section 5. Whenever, at any general or special election, in any precinct, district, city, village, town or ward, any person offering to vote is not personally known to the judges of election to have the qualifications mentioned in sections one and two of this article, if his vote is challenged by a legal voter at such election, he shall make and subscribe an affidavit in the following form, which shall be retained by the judges of election and returned by them with the poll books:

STATE OF ILLINOIS, )  
COUNTY OF COOK. ) ss.

I, ....., do solemnly swear (or affirm) that I am a citizen of the United States (or "that I was an elector on the first day of April, A. D. 1848," or "that I obtained a certificate of naturalization before a court of record in this State prior to the first day of January, A. D. 1870," as the case may be); that I have resided in this State one year, in this county ninety days, and in this election district thirty days next preceding this election, that I now reside at (here give the particular house or place of residence, and, if in a town or city, the street and number,) in this election district; that I am twenty-one years of age and have not voted at this election. So help me God, (or, "this I do solemnly and sincerely affirm," as the case may be).

Subscribed and sworn to before me this ..... day of .....,  
A. D. 18....

**AFFIDAVIT OF WITNESS.]** [Section 68, original act.] Section 6. In addition to such affidavit, the person so challenged shall produce a witness personally known to the judges of election, and resident in the precinct or district, or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz.:

I do solemnly swear (or affirm) that I am a resident of this election precinct or district and entitled to vote at this election, and that I have been a resident of this State for one year last passed and am

well acquainted with the person whose vote is now offered; that he is an actual and *bona fide* resident of this election precinct or district, and has resided herein thirty days, and, as I verily believe, in this county ninety days, and in this State one year next preceding the election.

WHO MAY ADMINISTER OATH.] [Section 69, original act.] Section 7. The oath, in each case, may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

CONVICTS—DISQUALIFICATIONS.] [Section 70, original act.] Section 8. No person who has been legally convicted of any crime, the punishment of which is confinement in the penitentiary, or who shall be convicted and sentenced under section seven of article XIII of this act, shall be permitted to vote at any election unless he shall be restored to the right to vote by pardon, or by the expiration of the term of his disfranchisement under section seven of article XIII of this act.

WOMEN MAY VOTE FOR SCHOOL OFFICERS.] [Section 332, original act.] Section 9. Any woman of the age of twenty-one years and upwards, belonging to either of the classes mentioned in article seven of the Constitution of the State of Illinois, who shall have resided in this State one year, in the county ninety days, and in the election district thirty days preceding any election held for the purpose of choosing any officer of schools under the general or special school laws of this State, shall be entitled to vote at such election in the school district of which she shall at the time have been for thirty days a resident: *Provided*, any woman so desirous of voting at such election shall have been registered in the same manner as is provided for the registration of male voters.

BALLOT—WHAT TO CONTAIN—HOW DEPOSITED.] [Section 333, original act.] Section 10. Whenever the election of public school officers shall occur at the same election at which other public officers are elected, the ballot offered by any woman entitled to vote under this act shall not contain the name of any person to be voted for at such election except such officers of public schools, and such ballots shall all be deposited in a separate ballot-box, but canvassed with other ballots cast for school officers at such election.

ABSENCE FOR VOTING PURPOSES—EMPLOYER PREVENTING—PENALTY.] [Section 312, original act.] Section 11. Any person entitled to vote at a general election in this State shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty; nor shall any deduction be made on account of such absence from his usual salary or wages: *Provided, however*, that application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employé may absent himself as aforesaid. (The above provision is preserved in section eleven of article XIII.)



## ARTICLE X.

## MANNER OF CONDUCTING ELECTIONS.

**TIME POLLS TO BE KEPT OPEN.]** [Sections 48 and 321, original act.] Section 1. At all elections to which this act applies, except at elections held in cities, villages and incorporated towns which have heretofore adopted or may hereafter adopt the provisions of an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June 19, 1885, the polls shall be opened at seven o'clock in the morning and shall be closed at five in the evening; but if the judges shall not attend at the hour of seven o'clock in the morning, or if it shall be necessary for the electors present to appoint judges to conduct the election, as hereinbefore prescribed, the polls may, in that case, be opened at any hour before the time for closing the same shall arrive, as the case may require.

**PROCLAMATION.]** [Section 49, original act.] Section 2. Upon opening the polls, one of the clerks or judges of election shall make proclamation of the same, and at least thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

**BALLOT-BOX PUBLICLY EXHIBITED, ETC.—LOCKED—KEYS.]** [Section 50, original act.] Section 3. Before any ballot shall be deposited in the ballot-box, the ballot-box shall be publicly opened and exhibited, and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges, and shall not again be opened until the close of the polls.

**POLL LISTS—HOW KEPT.]** [Section 51, original act.] Section 4. Each clerk of the election shall keep a poll list, which shall contain a column headed "number" and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books by the clerks, in regular succession, under the proper headings, and the number of such voter placed opposite his name in the column headed "number."

**NO ADJOURNMENT OR RECESS.]** [Section 56, original act.] Section 5. After the opening of the polls, no adjournment shall be had, nor shall any recess be taken, until all the votes cast at such election shall have been counted and the result publicly announced.

**MANNER OF VOTING—CHECKING ON REGISTER LIST.]** [Section 309, original act.] Section 6. Any person desiring to vote shall give his name, and, if required to do so, his residence, to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name and the voter shall be allowed to enter the space enclosed by the guard rail. One of the judges shall give the voter one, and only one, ballot on the back of which such judge shall indorse his initials in such manner that they may be seen

when the ballot is properly folded, and the voters' name shall be immediately checked on the register list. At all elections when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he shall not receive a ballot until he shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he shall not receive a ballot until he shall have established his right to vote in the manner provided by law. Besides the election officers, not more than two voters in excess of the whole number of voting booths provided shall be allowed in said inclosed space at one time.

MANNER OF PREPARING BALLOT.] [Section 310, original act.] Section 7. On receipt of his ballot the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the voting booths so provided and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space on said ticket, making a cross (X) opposite thereto; and in case of a question submitted to the vote of the people, by making in the appropriate margin or place a cross (X) against the answer he desires to give: *Provided, however*, if he shall desire to vote for all of the candidates of one political party or group of petitioners, he may place such mark at the appropriate place preceding the appellation or title under which the names of the candidates of such party or group of petitioners are printed, and the ballot so marked shall be counted as cast for all of the candidates named under that title: *Provided, further*, that the voter may place such mark at the appropriate place preceding the appellation or title of one party or group of petitioners and may also mark, at the appropriate place preceding the name or names of one or more candidates printed under the appellation or title of some other party or group of petitioners, and a ballot so marked shall be counted as cast for all the candidates named under the appellation or title which has been so marked, except as to the officers as to which he has placed such mark preceding the name or names of some other candidate or candidates printed under the title of some other party or group of petitioners, and as to such it shall be counted as cast for the candidate or candidates preceding whose name or names such mark may have been placed. Before leaving the voting booth, the voter shall fold his ballot in such manner as to conceal the marks thereon. He shall then vote forthwith in the manner now provided by law, except that the number corresponding to the number of the voter on the poll books shall not be indorsed on the back of his ballot. He shall mark and deposit his ballot without undue delay, and shall quit said enclosed space as soon as he has voted. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said inclosed space more than ten minutes, nor to occupy a voting booth more than five minutes, in case all of said voting booths are in use and other voters waiting to occupy the same. No voter, not an election officer, shall, after having voted, be allowed

to re-enter said enclosed space during said election. No person shall take or remove any ballot from the polling place before the close of the poll. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election in charge of the ballots. Any voter who shall, by accident or mistake, spoil his ballot may, on returning said spoiled ballot, receive another in place thereof.

ASSISTANCE TO ILLITERATE VOTER.] [Section 311, original act.] Section 8. Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct or district in which they are to act, to be designated by the judges of election of each precinct or district at the opening of the polls. Such officers shall mark the ballot as directed by the voter, and shall thereafter give no information regarding the same. The clerks of election shall enter upon the poll lists after the name of any elector who received such assistance in marking his ballot a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his ballot.

CUMULATIVE VOTES—HOW VOTED.] [Section 304, last part, original act.] Section 9. In canvassing the vote for Representative in the General Assembly, if the ballot has been so marked as to indicate that the voter intends to vote for one person only for that office, it shall be counted three votes for that candidate; if it has been so marked as to indicate that the voter intends to vote for two persons for Representative, it shall be counted one and one-half votes for each of such candidates, unless otherwise on the ballot expressly stated; and if it has been so marked as to indicate an intention to vote for three persons for such office, it shall be counted one vote for each of such candidates, unless otherwise on the ballot expressly stated; and if it has been so marked as to indicate an attempt to vote for more persons for Representatives than the voter is entitled to vote for, the votes for Representatives on such ballot shall not be counted.

BALLOTS NOT COUNTED—SPOILED BALLOTS.] [Section 313, original act.] Section 10. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official indorsement shall be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum signed by the judges stating how it was counted shall be written upon the back of each ballot so marked, and all ballots marked "defective" or "objected to" shall be enclosed in an envelope securely sealed and so marked and en-

dorsed as to clearly disclose its contents. All ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned by the judges of election to the officer or authorities charged with the printing and distribution of the ballots, and a receipt taken therefor, and shall be preserved six months; such officer shall keep a record of the number of ballots delivered for each polling place, and the name of the person to whom and the time when delivered, and he shall also enter upon such record the number and character of ballots returned, with the time when and the person by whom they are returned.

CANVASS OF BALLOTS.] [Section 57, original act.] Section 11. Immediately upon closing the polls, the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots in the box. If two or more ballots are folded together so as to appear to have been cast by the same person, and the number of ballots exceeds the number of names entered on each of the poll lists, the ballots so folded together shall be rejected, and if the number of ballots still exceeds the number of names entered on each of the poll lists, said ballots shall be replaced in the ballot box and the box closed and well shaken and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess; and the number of the ballots agreeing with the poll lists, or being made to agree, the board shall then proceed to count and estimate and publish the votes; and when the judges of election shall open and read the tickets, each clerk shall carefully and correctly mark down upon the tally lists the votes each candidate has received, in a separate column prepared for that purpose, with the name of such candidate at the head of such column, and the office designated by the votes such candidate shall fill. The votes shall be canvassed in the room or place where the election is held, and the judges shall not allow the ballot box, or any of the ballots, or either of the poll lists, or either of the tally papers to be removed or carried away from such room or place until the canvass of the votes is completed and the returns carefully enveloped and sealed up, as provided by law.

CANVASS OF VOTES - PROCLAMATION - BALLOTS DESTROYED.] [Section 314, original act.] Section 12. When the canvass of the ballots shall have been completed as now provided by law, the clerks shall announce to the judges the total number of votes received by each candidate; each judge of the election shall proclaim in a loud voice the total number of votes received by each of the persons voted for and the office for which he is designated and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people; such proclamation shall be *prima facie* evidence of the result of such canvass of the ballots. Immediately after making such proclamation, and before separating, the judges shall fold in two folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them, except those marked "objected to," unite the ends of such wire in a firm knot, seal the knot in such manner that it can not be untied without breaking the seal; enclose the ballots so strung in a secure canvas

covering and securely tie and seal such canvas covering with official wax impression seals, to be provided by the judges, in such manner that it can not be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked "defective or objected to" in such sealed canvas covering to the proper clerk or to the board of election commissioners, as the case may be, and such officer shall carefully preserve said ballots for six months, at the expiration of that time shall destroy them by burning without previously opening the package. Such ballots shall be destroyed in the presence of the official custodian thereof and two electors of approved integrity and good repute and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept: *Provided*, that if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections the parties contesting the same shall have the right to have said ballots opened and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest, but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof.

**FORM OF RETURN** ] [Section 61, original act.] Section 13. When the votes shall have been examined and counted, the clerks shall set down in their poll-books the name of every person voted for, written at full length, the office for which such person received such votes, and the number he did receive, the number being expressed in words at full length; such entry to be made, as nearly as circumstances will admit, in the following form, to-wit:

At an election held at..... in the county of..... and State of Illinois, on the..... day of....., in the year of our Lord one thousand..... hundred and..... the following named persons received the number of votes annexed to their respective names for the following described offices, to-wit: (Name of candidate) had (number of votes) for (title of office), (and in the same manner for any other persons voted for). (Certified by us.

A B, |  
C D, | *Judges of Election.*  
E F, |

**RETURNS TO BE MADE TO COUNTY CLERK, ETC.--CANVASS, ETC.--** [Section 62, original act] Section 14. One of the lists of voters, with such certificate written thereon, and one of the tally papers footed up so as to show the correct number of votes cast for each person voted for, shall be carefully enveloped and sealed up and put into the hands of one of the judges of election, who shall, within twenty-four hours thereafter, deliver the same to the county clerk, or his deputy, at the office of said county clerk, who shall safely keep the same. Another of the lists of voters, with such certificate written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and duly directed to the

Secretary of State, and by another of the judges of election, deposited in the nearest postoffice within six hours after the completion of the canvass of the votes cast at such election, which poll book and tally list shall be filed and kept by the Secretary of State for one year, and certified copies thereof shall be evidence in all courts, proceedings and election contests. Another of the lists of voters, with such certificates written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and delivered by the third one of the judges, without delay, in counties under township organization, to the town clerk of the town in which the district may be; and in counties not under township organization, they shall be retained by one of the judges of election, and safely kept by said town clerk or judge, for the use and inspection of the voters of such district until the next general election. Before said returns are sealed up, as aforesaid, the judges shall compare said tally papers' footings and certificates and see that they are correct and duplicates of each other, and certify to the correctness of the same.

CHALLENGERS.] [Section 64, original act.] Section 15. The judges of election shall allow at least one, and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, to be in the room where the election is held, to act as challengers of voters at such election; and such challengers may remain with the board of election until the votes are all canvassed and the result declared

## ARTICLE XI.

### CANVASSING RETURNS.

CANVASSING RETURNS—ABSTRACTS.] [Section 71, original act.] Section 1. Within seven days after the close of the election, the county clerks of the respective counties, with the assistance of two justices of the peace of the county, shall open the returns and make abstracts of the votes in the following manner, as the case may require: Of votes for Governor and Lieutenant-Governor, on one sheet; of votes for other State officers, on another sheet; of votes for Presidential Electors, on another sheet; of votes for Representatives to Congress, on another sheet; of votes for Judges of the Supreme Court, on another sheet; of votes for Clerks of the Supreme Court, on another sheet; of votes for Judges of the Circuit Court, on another sheet; of votes for Senators and Representatives to the General Assembly, on another sheet; of votes for members of the State Board of Equalization, on another sheet; of votes for county officers, on another sheet. The foregoing abstracts shall be preserved by the county clerk in his office.

CERTIFICATE OF ELECTION.] [Section 72, original act.] Section 2. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the several county officers, and deliver such certificate to the person entitled to it, on his application.

**THE VOTE.]** [Section 73, original act.] Section 3. When two or more persons receive an equal and the highest number of votes for an office to be filled by the county alone, the county clerk shall issue a notice to such persons of such tie vote, and require them to appear at his office, on a day named in the notice, within ten days from the day of election, and determine by lot which of them is to be declared elected.

**DRAWING LOTS—CERTIFICATES.]** [Section 74, original act.] Section 4. On the day appointed, the clerk and other canvassers, or in case of their absence, the State's attorney or sheriff, shall attend, and the parties interested shall appear and determine by lot which of them is to be declared elected; and the clerk shall issue his certificate of election to the person thus declared elected.

**ABSTRACTS SENT TO SECRETARY OF STATE.]** [Section 76, original act.] Section 5. Immediately after the completion of the abstracts of votes, the county clerk shall envelope and seal up a copy of the abstracts of votes for Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney-General and Superintendent of Public Instruction and Trustees of the University of Illinois, and indorse upon it in substance, "Abstracts of votes for State officers from.....county," and address it, "The Speaker of the House of Representatives." The county clerk shall, at the same time, envelope and seal up a copy of each of the abstracts of votes for other officers and indorse the same so as to show the contents of the package, and direct the same to the Secretary of State. The several packages shall then be placed in one envelope and addressed to the Secretary of State.

**HOW ABSTRACTS SENT.]** [Section 77, original act.] Section 6. Such abstracts shall be transmitted to the Secretary of State by mail, or, in case it shall be necessary, by special messenger.

**CANVASS BY SECRETARY OF STATE, ETC.—COMMISSION, ETC.—PROCLAMATION.]** [Section 78, original act.] Section 7. The Secretary of State, Auditor, Treasurer and Attorney General, or any two of them, in the presence of the Governor, shall proceed within twenty days after the election, and sooner if all the returns are received, to canvass the votes given for Representatives to Congress, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the Circuit Court, Senators, Representatives to the General Assembly, and members of the State Board of Equalization and Trustees of the University of Illinois respectively; and the persons having the highest number of votes for the respective offices shall be declared duly elected; but if it appears that more than the number of persons to be elected have the highest and an equal number of votes for the same office, the Secretary of State, in the presence of the other officers and the Governor, shall decide by lot which of such persons shall be elected; and to each person duly elected, the Governor shall give a certificate of election or commission, as the case may require, and shall cause proclamation to be made of the result of the canvass.

## ARTICLE XII.

## CONTESTING ELECTIONS.

WHEN LEGISLATURE TO HEAR.] [Section 94, original act.] Section 1. The General Assembly, in joint session, shall hear and determine cases of contested elections of Governor and lieutenant Governor, Secretary of State, Auditor of public Accounts, Treasurer, Superintendent of Public Instruction, Trustees of the University of Illinois and Attorney General. The meeting of the two houses, to decide upon such election shall be held in the hall of the House of Representatives, and the the Speaker of the House shall preside:

SENATORS AND REPRESENTATIVES.] [Section 95, original act.] Section 2. The Senate and House of Representatives shall severally hear and determine contests of the election of their respective members.

BY SUPREME COURT.] [Section 96, original act.] Section 3. The Supreme Court shall hear and determine contests of the election of judges of the Supreme Court, clerks of the Supreme Court, judges of the Circuit Court, judges of the Superior Court of Cook County, members of the State Board of Equalization; but no judge of the Supreme Court shall sit upon the hearing of any case in which he is a party.

BY CIRCUIT COURTS.] [Section 97, original act.] Section 4. The Circuit Courts in the respective counties, and in Cook county in the superior court also, may have [hear] and determine contests of the election of judges of the county courts, mayors of cities, presidents of county boards, presidents of villages, in reference to the removal of county seats and in reference to any other subject which may be submitted to the vote of the people of the county, and concurrent jurisdiction with the county court in all cases mentioned in section ninety-eight (98).

BY COUNTY COURT.] [Section 98, original act.] Section 5. The County Court shall hear and determine contests of election of all other county, town and precinct officers, and all other officers for the contesting of whose election no provision is made.

ELECTION OF STATE OFFICERS—PETITION OF CONTESTANT.] [Section 99, original act.] Section 6. When any elector shall desire to contest the election of Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction or Attorney General, he shall, within ten days after the result of the election shall have been determined, present a petition to the General Assembly, setting forth the points on which he will contest such election, and praying for leave to produce his proof.

JOINT COMMITTEE TO TAKE TESTIMONY.] [Section 100, original act.] Section 7. The General Assembly shall appoint a joint committee to take the testimony on the part of the petitioner, and the person whose place is contested.



**POWERS OF JOINT COMMITTEE.]** [Section 101, original act.] Section 8. The committee so appointed shall have power to send for witnesses, and compel the attendance of witnesses and the production of papers, issue commissions under the hand of its chairman, to any officer authorized to take depositions in other cases, to take the depositions of witnesses upon the points set forth in the petition, at such time and place as the commission shall direct.

**NOTICE.]** [Section 102 original act.] Section 9. Reasonable notice shall be given by the party in whose favor the deposition is to be taken, to the opposite party, of the time and place of taking the same.

**TESTIMONY.]** [Section 103, original act.] Section 10. No testimony shall be taken except upon the points set forth in the petition.

**REPORT OF COMMITTEE—HEARING—DECISION.]** [Section 104, original act.] Section 11. The committee shall report the facts to the House, and a day shall be fixed by a joint resolution for the meeting of the two houses to decide upon the same, in which decision the yeas and nays shall be taken and entered upon the journal.

**WHO MAY CONTEST SENATOR OR REPRESENTATIVE.]** [Section 105, original act.] Section 12. The election of any member declared duly elected to a seat in the Senate or House of Representatives of the General Assembly may be contested by any qualified voter of the county or district to be represented by such Senator or Representative.

**NOTICE OF CONTEST.]** [Section 106, original act.] Section 13. The contestant shall, within thirty days after the result of the election shall have been determined, serve on the person whose election he will contest a notice of his intention to contest such election, expressing the points on which the same will be contested; and shall, also, on or before the next session of the General Assembly, deliver a copy of such notice to the Secretary of State. In case the person whose election is contested is absent, or can not be found, service may be had by leaving a copy of such notice at his usual place of residence.

**TESTIMONY—HOW TAKEN ]** [Section 107, original act.] Section 14. Whenever a notice shall have been given of intention to contest an election, as provided in the preceding section, either party may proceed to take testimony of any witness before any judge, justice of the peace, clerk of a court, master in chancery or notary public, on giving to the adverse party, or his attorney, ten days' notice of the time and place of taking the same, and one day in addition thereto (Sunday inclusive) for every fifty miles' travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five days' notice shall be sufficient.

**POWER OF OFFICER TAKING TESTIMONY.]** [Section 108, original act.] Section 15. The officer before whom depositions are taken shall have power to compel the production of papers and the attendance of witnesses; and the same proceedings may be had to compel

the attendance of witnesses as are provided in the case of taking depositions to be used in courts of law and equity.

DEPOSITIONS, ETC., TO BE SENT TO SECRETARY OF STATE.] [Section 109, original act.] Section 16. A copy of the notice to take depositions, with proof of the service thereof, with the deposition, shall be sealed up and transmitted by mail or otherwise, to the Secretary of State, with an indorsement thereon, showing the names of the contesting parties, the office contested, and the nature of the papers.

DELIVERY OF NOTICE OF CONTEST, ETC.—DUTY OF PRESIDING OFFICER.] [Section 110, original act.] Section 17. The Secretary of State shall deliver the copy of the notice deposited with him by the contestant and the depositions unopened to the presiding officer of the branch of the General Assembly to which the contest relates on or before the second day of its session next after the receipt of the same; and the presiding officer shall immediately give notice to his house that such papers are in his possession.

RIGHTS OF EITHER HOUSE SAVED.] [Section 111, original act.] Section 18. Nothing herein contained shall be construed to abridge the right of either branch of the General Assembly to grant commissions to take depositions, or to send for and examine any witnesses it may desire to hear on such trial.

WHO MAY CONTEST ELECTION OF OTHER OFFICERS.] [Section 112, original act.] Section 19. The election of any person declared elected to any office other than Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, Attorney General, Senator or Representative, may be contested by any elector of the State, judicial division, district, county, town or precinct in and for which the person is declared elected.

CONTESTANT TO FILE STATEMENT, ETC.] [Section 113, original act.] Section 20. The person desiring to contest such election shall, within thirty days after the person whose election is contested is declared elected, file with the clerk of the proper court a statement, in writing, setting forth the points on which he will contest the election, which statement shall be verified by affidavit in the same manner as bills in chancery may be verified.

SUMMONS.] [Section 114, original act.] Section 21. Upon the filing of such statement, summons shall issue against the person whose office is contested, and he may be served with process, or notified to appear, in the same manner as is provided in cases in chancery.

EVIDENCE.] [Section 115, original act.] Section 22. Evidence may be taken in the same manner and upon like notice as in cases in chancery.

TRIAL.] [Section 116, original act.] Section 23. The case shall be tried in like manner as cases in chancery, and may be heard and determined by the court in term time, or by the judge in vacation, at any time not less than ten (10) days after service of process, or at any time after the defendant is required by notification to appear,

and shall have preference in the order of hearing to all other cases. The court in term time, or the judge in vacation, may make and enforce all necessary orders for the preservation and production of the ballots, poll books, tally papers, returns, registers and other papers or evidence that may bear upon the contest.

**OTHER ELECTIONS CONTESTED.]** [Section 117, original act.] Section 24. Any five electors of the county may contest an election upon any subject which may by law be submitted to a vote of the people of the county, upon filing in the circuit court, within thirty days after the result of the election shall have been determined, a written statement in like form as in other cases of contested elections in the circuit court. The county shall be made defendant, and process shall be served as in actions against the county; and like proceedings shall be had as in other cases of contested elections before such court.

**WHEN ELECTOR MAY DEFEND FOR COUNTY.]** [Section 118, original act.] Section 25. In case the county board shall fail or refuse properly to defend such contest, the court shall allow any one or more electors of the county to appear and defend, in which case the electors so defending shall be liable for the costs, in case the judgment of the court shall be in favor of the contestant.

**JUDGMENT.]** [Section 119, original act.] Section 26. The judgment of the court in cases of contested elections, shall confirm or annul the election according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

**TIE.]** [Section 120, original act.] Section 27. If it appears that two or more persons have, or would have had, if the legal ballots cast, or intended to be cast for them had been counted, the highest and an equal number of votes for the same office, the persons receiving such vote shall decide by lot, in such manner as the court shall direct, which of them shall be declared duly elected; and the judgment shall be entered accordingly.

**CERTIFIED COPY OF JUDGMENT.]** [Section 121, original act.] Section 28. A certified copy of the judgment of the court shall have the same effect as to the result of the election, as if it had been so declared by the canvassers.

**WHEN ELECTION ADJUDGED VOID.]** [Section 122, original act.] Section 29. When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.

**APPEAL.]** [Section 123, original act.] Section 30. In all cases of contested elections in the circuit courts or county courts, appeals may be taken to the Supreme Court in the same manner, and upon like conditions as is provided by law for taking appeals in cases in chancery from the circuit courts.

**BALLOTS TO BE OPENED.]** [Sections 60 and 314, original act.] Section 31. In all cases of contested elections, the parties contesting the same shall have the right to have the package of ballots cast at such election opened, and to have all errors of the judges in counting or refusing to count any ballot, corrected by the court or body trying such contest; but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof.

## ARTICLE XIII.

### OFFENSES AND PENALTIES.

**LIQUOR.]** [Section 79, original act.] Section 1. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away at retail, nor shall any dram-shop, saloon or bar-room or place where such liquor is so sold or given away, be open upon any general or special election day within one mile of the place of holding an election. Whoever violates the provisions of this section shall be fined in a sum not less than \$25 nor more than \$100. It shall be the duty of the sheriff, coroner, constables and other officers of the county, and magistrates, to see that the provisions of this section are enforced.

**FALSE SWEARING.]** [Section 80, original act.] Section 2. If any person whose vote is challenged, or any witness sworn under the provisions of this act, shall knowingly, wilfully and corruptly swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

**REGISTRY.]** [Part section 142, original act.] Section 3. Any person who shall wilfully make to any board of registry, any false statement in relation to his location, residence or qualification to vote, or to be registered at any election, or in any election precinct or district, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail for a period of ten days, or by both such fine and imprisonment.

**FRAUDULENT REGISTRATION—FALSE SWEARING, ETC.]** [Part section 147, original act.] Section 4. Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where such registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished, for each and every offense, by imprisonment in the State prison for not less than one year. All intentional false swearing before said board of registration shall be deemed willful and corrupt perjury, and, on conviction, punished as such.

**ILLEGAL VOTING.]** [Section 81, original act.] Section 5. Whoever unlawfully votes more than once at any election, or offers to

vote after having once voted at such election, or knowing that he is not a qualified voter at an election, wilfully votes at such election, shall on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisonment in the county jail not exceeding one year, or both, in the discretion of the court.

**OTHER OFFENSES.]** [Section 82, original act.] Section 6. Whoever wilfully aids or abets any one not legally qualified to vote at an election in voting or attempting to vote at such election; or

Second—Furnishes an elector with a ticket or ballot, informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclination; or

Third—Changes a ballot of an elector with intent to deprive such elector of voting for such person as he intended; or

Fourth—By unlawful means prevents or attempts to prevent any voter from attending or voting at an election; or

Fifth—Gives, or offers to give, any valuable thing or bribe to any judge or clerk of election, as a consideration for some act to be done, or omitted to be done, contrary to his official duty in relation to such election, shall, on conviction thereof be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. And any judge or clerk who shall receive, request or demand any bribe or reward forbidden by this act, shall, upon conviction, be liable to the same penalties as are prescribed in this article for the giving or offering to give such bribe or reward.

**RECEIVING, REQUESTING, ETC., BRIBES, ETC.—UPON SECOND OFFENSE.]** [Section 83, original act.] Section 7. Any person who shall solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquor or other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used, to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of an election for or against any candidate for office, or for or against any measure or question to be voted upon at such election, shall be deemed guilty of the infamous crime of bribery in elections, and upon conviction thereof in any court of record, shall be sentenced to disfranchisement by the judge of such court for a term of not less than five nor more than fifteen years, and to the county jail not less than three months nor more than one year, and to pay the costs of prosecution and stand committed to the county jail until such costs shall be fully paid. That for a conviction of a second offense under this section, the first being alleged and proven, such second offender shall be by the sentence of the court forever disfranchised and deprived of the right to vote at any election in this State, and be imprisoned in the county jail not less than one year, and be committed to jail in default of payment of costs of prosecution until such costs are fully paid. Prosecution may be had under this section by indictment in the circuit court, or by information in the county courts, and the effect of a sentence of disfranchisement in either of said courts, both having jurisdiction of offenses hereunder, shall be to deprive such

persons sentenced of the right to vote at any general or special election, or town meeting, within this State for the period of time fixed by the court where such person shall be convicted under this section. Any candidate or other person paying, furnishing or promising to pay or furnish, or bribing such person with money, intoxicating liquor or other thing of value, or the promise thereof, shall not be liable to punishment therefor, but shall be a competent witness and compelled to testify in prosecutions under this section. Solicitation by any person of a loan of money, or the purchase of anything of value, or of liquor by the drink, or treat to influence or affect his vote, or any other subterfuge, shall be deemed a violation hereof.

**PERSONS DISFRANCHISED.]** [Last part, Section 83, original act.] Section 8. Any person who shall have been legally convicted and disfranchised by a court of competent jurisdiction who shall, before the expiration of his term of disfranchisement, vote, or offer to vote, at any general or special election or town meeting, shall, upon, indictment and conviction thereof in a court of competent jurisdiction, be confined in the penitentiary for a term of years not less than one nor more than ten.

**DISORDERLY CONDUCT.]** [Section 84, original act.] Section 9. Whoever is disorderly at any election shall forfeit a sum not exceeding twenty-five dollars.

**BETTING ON ELECTION.]** [Section 85, original act.] Section 10. Whoever bets or wagers any money, property or other valuable thing upon the result of an election which may be held under the Constitution or laws of this State, or bets or wagers money, property or other valuable thing upon the number of votes which may be given to any person at an election, or upon who will receive the greatest number of votes at an election, or agrees to pay any other person any money, property or other valuable thing in the event that an election shall result in one way, or in the event that any person shall or shall not be elected, or shall receive a greater number of votes than others, upon conviction thereof he shall be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**ABSENCE FOR VOTING PURPOSES—EMPLOYER PREVENTING, PENALTY.]** [Part Section 312, original act.] Section 11. Any person or corporation who shall refuse to an employé the privilege of absenting himself two hours from service or employment for the purpose of voting, as provided in this act, or shall subject an employé to a penalty or deduction of wages because of the exercise of such privilege, or who shall directly or indirectly violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than five dollars nor more than one hundred dollars.

**CARRYING AWAY, DEFACING, ETC., POLL BOOKS, ETC.]** [Section 93, original act.] Section 12. Whoever shall, wilfully and wrongfully, take or carry away from the place where it has been deposited for safe keeping, or deface, mutilate or change any poll book, ballot or tally list, or any name or figure therein, shall, on conviction, be fined

in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**DESTROYING POSTER LISTS, ETC.—PENALTY.]** [Sections 136 and 317, original act.] Section 13. Any person who shall, prior to an election, wilfully take down or destroy any list of voters posted by any board of registration, or any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall wilfully deface, tear down, remove or destroy any card of instructions or specimen ballot printed and posted for the instruction of voters, or who shall, during an election, wilfully remove or destroy any of the supplies or conveniences furnished to enable voters to prepare their ballots, or shall wilfully hinder the voting of others, shall be punished by a fine not less than ten dollars nor more than one hundred dollars.

**DESTROYING, ETC., CERTIFICATE OF NOMINATION —SPURIOUS BALLOTS, ETC.—PENALTY.]** [Section 318, original act.] Section 14. Any person who shall falsely make or wilfully destroy any certificate of nomination or nomination papers, or any part thereof, or any letter of withdrawal, or file any certificate of nomination or nomination papers, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination papers, or any part thereof, which has been duly filed, or forge or falsely make the official endorsement on any ballot, or shall take from the polling place any official ballot or substitute therefor any spurious or counterfeit ballot, or make, use, circulate, or cause to be made or circulated as an official ballot any paper printed in imitation or resemblance thereof, or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, shall be punished by a fine not less than one hundred dollars and not exceeding one thousand dollars, to by imprisonment in the penitentiary not less than one year and nor exceeding five years, or by both such fine and imprisonment.

**ELECTIONEERING AT POLLS PROHIBITED—PENALTY.]** [Section 315, original act.] Section 15. No person whatever shall do any electioneering or soliciting of votes on election day within any polling place or within one hundred feet of any polling place; no person shall interrupt, hinder or oppose any voter while approaching the polling place for the purpose of voting. Whoever shall violate the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense; and it shall be the duty of the judges of election to enforce the provisions of this section.

**UNLAWFUL EXHIBITION OF BALLOT—FALSE STATEMENT—PENALTY.]** [Section 316, original act.] Section 16. Any voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere, with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter before

voting to show how he marks or has marked his ballot, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, and it shall be the duty of the election judges to enforce the provisions of this section.

WHEN OTHER PERSON ASCERTAINS OR DISCLOSES VOTE.] [Section 88. original act.] Section 17. If any person shall wilfully or corruptly ascertain or publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

#### BY ELECTION OFFICERS.

OFFENSES OF JUDGE OF ELECTION.] [Section 86. original act.] Section 18. If any judge of any election shall permit a person to vote, whose vote is challenged, without the proof required in this act; or

Second—Shall knowingly and wilfully permit a person to testify as a witness contrary to the provisions of this act; or

Third—Shall knowingly permit a person to vote who is not qualified according to law; or

Fourth—Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or

Fifth—Shall refuse to receive the vote of a qualified elector at such election, who will make the affidavit and proof required by this act; or

Sixth—Shall be guilty of any fraud, corruption, partiality or manifest misbehaviour; or

Seventh—Shall open or unfold any ballot when the same is presented to be deposited in the ballot-box; or

Eighth—Shall wilfully neglect to perform any of the duties required of him by this act, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

WHEN JUDGE OR CLERK ASCERTAINS OR DISCLOSES VOTE.] [Section 87. original act.] Section 19. If any judge or clerk of election shall wilfully or corruptly ascertain, or shall allow any other person to ascertain, or shall wilfully publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

NEGLECT OF DUTY BY CLERK.] [Section 89, original act.] Section 20. If any clerk of an election shall wilfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption or misbehaviour as such clerk, he shall, on conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.



**FAILURE TO DELIVER POLL BOOKS, ETC.]** [Section 90, original act.] Section 21. If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally list and votes of such election to the place where, by law, they are required to be canvassed, wilfully or negligently fails to deliver such poll books, tally list or ballots within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

**NEGLECT BY COUNTY CLERK.]** [Section 91, original act.] Section 22. If the county clerk wilfully neglects or refuses to perform any duty required of him by this act, he shall, upon conviction, be fined in a sum not exceeding \$500, and shall be liable to any person injured by reason of such neglect or refusal, in an amount not exceeding \$500, to be recovered in an action on the case.

**FRAUD IN CANVASSING.]** [Section 92, original act.] Section 23. If any county clerk or justice of the peace shall be guilty of any fraud, corruption or misbehaviour, in canvassing the votes or making any abstract of votes, or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding \$500, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**REFUSAL OF SUPERVISOR, ETC, TO ACT—PENALTY.]** [Section 93½, original act.] Section 24. If any supervisor, county commissioner, or member of any county board, shall wilfully refuse, neglect or fail to do any act, or perform any duty required of him by the election laws of this State, he shall be deemed guilty of a misdemeanor, and, upon conviction, fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

**NEGLECT OF OFFICER TO PERFORM DUTIES.]** [Section 319, original act.] Section 25. Any public officer upon whom a duty is imposed by this act [June 22, 1891,] who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the object of this act, shall be punished by a fine of not less than five dollars nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year, and not exceeding five years, or by both such fine and imprisonment.

**PENALTY FOR MISCONDUCT OF BOARD OF REGISTRATION.]** [Section 147, original act.] Section 26. If any member or officer of any board of registration shall wilfully violate any of the provisions of this act [July 15, 1865,] or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the State's prison for not less than one year.

**REPEAL.]** [Section 322, original act.] Section 27. This act shall not repeal an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June 19, 1885, or any of the amendments thereto; but all elections in cities, villages and incorporated towns which

have heretofore adopted or which may hereafter adopt the said act, shall be held in accordance with the provisions thereof. Except as to the manner of making nominations for office, the manner of printing and distributing ballots, the form of ballot, the arrangement and the furnishing of polling places and voting booths, and the manner of voting and the numbering and preserving the ballots, all of which shall be in conformity with the provisions of this act. No penalty provided for a violation of any of the provisions of this act shall be construed as a substitute for, or a repeal of any penalty provided in the aforesaid act of June 19, 1885, for a violation of any of the provisions of said act.

#### ARTICLE XIV.

##### RESIGNATION AND VACANCIES.

[OF ELECTIVE OFFICERS.] [Section 124, original act.] Section 1. Resignations of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

[WHEN OFFICE BECOMES VACANT.] [Section 125, original act.] Section 2. Every elective office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

First—The death of the incumbent.

Second—His resignation.

Third—His becoming insane.

Fourth—His ceasing to be an inhabitant of the State, or, if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

Fifth—His conviction of an infamous crime, or of any offense involving a violation of official oath.

Sixth—His removal from office.

Seventh—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth—The decision of a competent tribunal declaring his election void.

[WHO MAY DETERMINE WHEN VACANCY EXISTS.] [Section 126, original act.] Section 3. Whenever it is alleged that a vacancy in any office exists, the officer, court or county board, whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exists.

[GOVERNOR AND LIEUTENANT-GOVERNOR VACANT.] [Section 127, original act.] Section 4. In case of vacancies in the office of Governor and Lieutenant-Governor, the officer performing the duties of the office of Governor, or if there is no such officer, the Secretary

of State, shall issue a proclamation appointing a day for a special election to fill such vacancies, and shall issue a writ of election to the county clerks of the several counties in the State, and shall also, when necessary, call a special session of the General Assembly to canvass the votes cast at such election; but if such vacancy shall occur not more than ninety days before a general election for members of the Legislature, the vacancies shall be filled at such general election, in which case no special session of the General Assembly to canvass votes shall be deemed necessary.

**STATE TREASURER AND AUDITOR.]** [Chapter 130, section 4. Chapter 15, section 4.] Section 5. If any person elected to the office of State Treasurer or Auditor of Public Accounts shall fail to give bond or take the oath required of him within ten days after he is declared elected, the office shall be deemed vacant, and if the Treasurer or Auditor of Public Accounts, being required by the Governor to give additional bond fails to do so within twenty days after notice of such requirement, his office may, in the discretion of the Governor, be declared vacant and filled as provided by law.

**OTHER STATE OFFICES.]** [Section 128, original act.] Section 6. When a vacancy shall occur in the office of Secretary of State, Auditor of Public Accounts, Treasurer, Attorney-General, Superintendent of Public Instruction or member of the State Board of Equalization, the Governor shall fill the same by appointment, and the appointee shall hold his office during the remainder of the term, and until his successor is elected and qualified.

**SENATOR OR REPRESENTATIVE.]** [Section 129, original act.] Section 7. When a vacancy shall occur in the office of Senator or Representative in the General Assembly, it shall be the duty of the county clerk of the county in which the member whose office is vacant resided, to notify the Governor of such vacancy. Whereupon the Governor shall issue a writ of election to the county clerk or clerks of the county or counties in which the vacancy is to be filled, fixing a day upon which an election shall be held to fill such vacancy; but unless the General Assembly shall be in session at the time the vacancy occurs, or there shall be a session between the time vacancy occurs and the next succeeding general election, no special election shall be ordered to fill such vacancy.

**REPRESENTATIVES IN CONGRESS.]** [Section 130, original act.] Section 8. When any vacancy shall occur in the office of Representative in Congress from this State, the Governor shall issue a writ of election to the county clerks of the several counties in the district where the vacancy exists, appointing a day to hold a special election to fill such vacancy.

**JUDGES.]** [Section 131, original act.] Section 9. When a vacancy shall occur in the office of judge of the Supreme Court, judge of the circuit court, judge of the Superior Court of Cook county, or judge of the probate county court, the clerk of the court in which the vacancy exists, shall notify the Governor of such vacancy. If such vacancy shall occur within one year before the expiration of the term of the office made vacant, the Governor shall fill such vacancy by

appointment: but if the unexpired term exceeds one year, the Governor shall issue a writ of election, as in other cases of vacancies to be filled by election.

**CLERKS OF COURTS.]** [Section 132, original act.] Section 10. When a vacancy shall occur in the office of clerk of the Supreme Court, or in the office of clerk of the superior court of Cook county, or clerk of the circuit court of any of the counties of this State, and the unexpired term of such clerk shall exceed one year, it shall be the duty of the court, or, if in vacation, of the judge or judges of the court in which such vacancy may occur, to appoint a clerk *pro tempore*; and such appointee shall qualify in the same manner, and give bond as required by law of the clerk of the court to which he is appointed, to be approved by the court, or, if in vacation, by the judge or judges making the appointment; and thereupon such appointee shall be authorized to perform all duties and receive all emoluments allowed by law to the duly elected clerk of such court, and shall hold such office until an election can be held to fill the same, and until the person so elected shall have qualified according to law. Whenever an appointment shall be made, as provided by this act, it shall be the duty of the court, or the judge or judges making such appointment, to notify the Governor forthwith of the vacancy filled by such appointment; and upon receiving such notice, it shall be the duty of the Governor, as soon thereafter as may be practicable, to issue a writ of election as in other cases of vacancies to be filled by election, in the same manner as if no appointment had been made; and when any such vacancy shall occur, and the unexpired term does not exceed one year, such vacancy shall be filled by appointment by the court to which such office appertains, or by the judge or judges thereof.

**COUNTY OFFICERS, PRECINCT OFFICERS, ETC.]** [Section 133, original act.] Section 11. When a vacancy shall occur in the office of county commissioner, State's attorney, sheriff, coroner, county clerk, recorder of deeds, county treasurer, county surveyor, or other county, town or precinct officer not otherwise provided for by law, within one year before the expiration of the term of such vacant office, the vacancy shall be filled by appointment by the county board of the county in which the vacancy exists; but if such unexpired term exceeds one year the county clerk, or, in case of a vacancy in his office, the chairman of the county board, shall issue an order appointing a day for an election to fill such vacancy, and cause notice thereof to be given as in other cases of election.

**COUNTY SUPERINTENDENT.]** [Chapter 122, Section 14.] Section 12. When the office of county superintendent shall become vacant by death, resignation, the removal of the incumbent by the county board or otherwise, the county board shall fill such vacancy by appointment, and the person so appointed shall hold his office until the next election of county officers, at which election the county board shall order the election of a successor.

**VACANCY—HOW FILLED.]** [Chapter 79, Section 7.] Section 13. When a vacancy occurs in the office of a justice of the peace or constable, by death, resignation, removal from the town or precinct, or

other cause, if the unexpired term exceeds one year his office shall be filled by special election; and it shall be the duty of the town clerk in counties under township organization, and county clerks in counties not under township organization, in case of such vacancy, to issue his order to the judges of election of the proper town or precinct, requiring them, on a certain day therein named, not less than twenty days from the issuing of such order, to hold an election to fill such vacancy; and at the same time the county clerk shall deliver to such judges three copies of a notice of such election, two of which notices shall be posted up in such town or precinct in the most public places therein; and an election shall be held pursuant to such order, and conducted as other elections. If the unexpired term of his office does not exceed one year, the vacancy shall be filled by appointment by the county board.

JUDGE OF CITY COURTS.] [Chapter 37, part Section 244.] Section 14. Vacancies in the office of judge of city court shall be filled for the unexpired term, at a special election, to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by appointment by the Governor.

TO WHAT ELECTIONS THIS ACT MAY APPLY.] [Section 134, original act.] Section 15. The provisions of this article shall apply, as far as practicable, to all elections in the State, whether general, special, local or municipal, except so far as they are modified or contravened by other legal enactments.

## ARTICLE XV.

### CONGRESSIONAL APPORTIONMENT.

DISTRICTS.] [Section 150, original act.] Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The State of Illinois be and the same hereby is apportioned into twenty-two congressional districts, and that the same are hereby established and shall be respectively composed as herein set forth, to-wit:

The first district shall be composed of the towns of Rich, Bloom, Orland, Bremen, Thornton, Calumet and Worth in Cook county, and the Fourth ward east of the center line of Wentworth avenue, the Third ward, the Thirty-first ward, the Thirty-second ward, the Thirty-third ward and the Thirty-fourth ward of the city of Chicago.

The Second district shall be composed of the towns of Lemont, Palos, Lyons, Proviso, Riverside, Cicero, Leyden, Norwood Park, Maine, Elk Grove, Schaumburg and Hanover, in Cook county, and the Tenth, Twenty-eighth, Twenty-ninth and Thirtieth wards of the city of Chicago.

The Third district shall be composed of the First, Second, Fifth, Sixth, Seventh wards and that part of the Fourth ward west of the center line of Wentworth avenue, all in the city of Chicago.

The Fourth district shall be composed of the Eighth, Ninth Twelfth and Nineteenth wards of the city of Chicago.

The Fifth district shall be composed of the Eleventh, Thirteenth, Sixteenth, Eighteenth and Seventeenth wards of the city of Chicago.

The Sixth district shall be composed of the Twentieth, Twenty-first, Twenty-second, Twenty-third and Twenty-fourth wards, also that part of the Twenty-fifth ward south of the center line of Diversy street and west of the center line of Halsted street, and that part of the Twenty-sixth ward south of the center line of Belmont avenue, all in the city of Chicago.

The Seventh district shall be composed of the Fourteenth, Fifteenth and Twenty-seventh wards, the Twenty-fifth ward except that part south of the center line of Diversy street and west of the center line of Halsted street, that part of the Twenty-sixth ward north of the center line of Belmont avenue, in the city of Chicago; also the towns of Evanston, Niles, New Trier, Northfield, Wheeling, Palatine and Barrington, in Cook county, and the county of Lake.

The Eighth district shall be composed of the counties of McHenry, DeKalb, Kane, DuPage, Kendall and Grundy.

The Ninth district shall be composed of the counties of Boone, Winnebago, Stephenson, JoDaviess, Carroll, Ogle and Lee.

The Tenth district shall be composed of the counties of White-side, Rock Island, Mercer, Henry, Knox and Stark.

The eleventh district shall be composed of the counties of Bureau, LaSalle, Livingston and Woodford.

The Twelfth district shall be composed of the counties of Will, Kankakee, Iroquois and Vermilion.

The Thirteenth district shall be composed of the counties of Ford, McLean, DeWitt, Piatt, Champaign and Douglas.

The Fourteenth district shall be composed of the counties of Putnam, Marshall, Peoria, Fulton, Tazewell and Mason.

The Fifteenth district shall be composed of the counties of Henderson, Warren, Hancock, McDonough, Adams, Brown and Schuyler.

The Sixteenth district shall be composed of the counties of Cass, Morgan, Scott, Pike, Greene, Macoupin, Calhoun and Jersey.

The Seventeenth district shall be composed of the counties of Menard, Logan, Sangamon, Macon and Christian.

The Eighteenth district shall be composed of the counties of Madison, Montgomery, Bond, Fayette, Shelby and Moultrie.

The Nineteenth district shall be composed of the counties of Coles, Edgar, Clark, Cumberland, Effingham, Jasper, Crawford, Richland and Lawrence.

The Twentieth district shall be composed of the counties of Clay, Jefferson, Wayne, Hamilton, Edwards, Wabash, Franklin, White Gallatin and Hardin.

The Twenty-first district shall be composed of the counties of Marion, Clinton, Washington, St. Clair, Monroe, Randolph and Perry.

The Twenty-second district shall be composed of the counties of Jackson, Union, Alexander, Pulaski, Johnson, Williamson, Saline, Pope and Massac.

[ONE REPRESENTATIVE FROM EACH DISTRICT.] [Section 151, original act.] Section 2. One representative to the Congress of the United States shall be elected in each of the districts before enumerated, on the Tuesday after the first Monday of November, in the year of our Lord 1894, and one in each of said districts every two years thereafter; such election shall be held and the returns thereof made and canvassed in the manner provided by law.

[DEFINES WARD IN CHICAGO.] [Section 151a, original act.] Section 3. Wherever the words "ward" or "wards" in the city of Chicago are used in this act they shall be construed as meaning the wards as existing in said city at the time of the passage of this act.

[REPEAL.] [Section 151b, original act.] Section 4. An act entitled "An act to apportion the State into twenty congressional districts and establish the same, and provide for the election of representatives therein," approved April 29, 1882, in force July 1, 1882 is hereby repealed.

## ARTICLE XVI.

### SENATORIAL AND REPRESENTATIVE APPORTIONMENT.

[APPORTIONMENT.] [Section 152, original act.] Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections one (1) and two (2) of an act entitled "An act to apportion the State of Illinois into Senatorial districts, and to repeal certain acts therein named," approved June 15, 1893, and in force July 1, 1893, be amended to read as follows:

Section 1. That the State of Illinois be and it is hereby divided into Senatorial districts as provided in the Constitution of the State of Illinois, each of which districts shall be entitled to one Senator and three Representatives as follows, to-wit:

First—The First, Second and Fifth wards in the city of Chicago, in the county of Cook, shall constitute the First District.

Second—The Tenth ward and that part of the Twelfth ward lying west of the center line of Robey street in the city of Chicago, in the county of Cook, shall constitute the Second District.

Third—The Thirty-first, Thirty-third and the Thirty-fourth wards in the city of Chicago, in the county of Cook, shall constitute the Third District.

Fourth—The Twenty-eighth and the Twenty-ninth wards and that part of the Sixth ward lying west of the South Fork of the South

Branch of the Chicago river in the city of Chicago and the town of Cicero, all in the county of Cook, shall constitute the Fourth District.

Fifth—The Thirtieth and Thirty-second wards in the city of Chicago, in the county of Cook, shall constitute the Fifth District.

Sixth—The Fifteenth, Twenty-sixth and Twenty-seventh wards in the city of Chicago, in the county of Cook, shall constitute the Sixth District.

Seventh—The towns of Thornton, Bloom, Rich, Bremen, Orland, Lemont, Palos, Worth, Lyons, Proviso, Leyden, Elk Grove, Schaumburg, Hanover, Barrington, Palatine, Wheeling, Northfield, New Trier and Riverside, and those parts of the towns of Calumet, Norwood Park, Maine, Niles and Evanston lying outside of the city of Chicago, all in the county of Cook, shall constitute the Seventh District.

Eighth—The counties of Lake, McHenry and Boone shall constitute the Eighth District.

Ninth—The Third and Fourth wards and that part of the Sixth ward lying east of the South Fork of the South Branch of the Chicago river, in the city of Chicago, in the county of Cook, shall constitute the Ninth District.

Tenth—The counties of Winnebago and Ogle shall constitute the Tenth District.

Eleventh—The Thirteenth and Fourteenth wards in the city of Chicago, in the county of Cook, shall constitute the Eleventh District.

Twelfth—The counties of Stephenson, JoDaviess and Carroll shall constitute the Twelfth District.

Thirteenth—The Seventh and Eighth wards in the city of Chicago, in the county of Cook, shall constitute the Thirteenth District.

Fourteenth—The county of Kane shall constitute the Fourteenth District.

Fifteenth—The Ninth ward and that part of the Eleventh ward lying south of the center line of Lake street, and west of the center lines of Sheldon street and Loomis street, and that part of the Twelfth ward lying east of the center line of Robey street in the city of Chicago, in the county of Cook, shall constitute the Fifteenth District.

Sixteenth—The counties of Kankakee and Iroquois shall constitute the Sixteenth District.

Seventeenth—The Sixteenth and Seventeenth wards and that part of the Eleventh ward lying north of the center line of Lake street, in the city of Chicago, in the county of Cook, shall constitute the Seventeenth District.

Eighteenth—The counties of Ford, Livingston and Woodford shall constitute the Eighteenth District.



**Nineteenth**—The Eighteenth and Nineteenth wards and that part of the Eleventh ward lying south of the center line of Lake street and east of the center line of Sheldon street and Loomis street in the city of Chicago, in the county of Cook, shall constitute the Nineteenth District.

**Twentieth**—The counties of Knox, Marshall, Putnam and Stark shall constitute the Twentieth district.

**Twenty-first**—The Twenty-first, Twenty-second and Twenty-fifth wards in the city of Chicago, in the county of Cook, shall constitute the Twenty-first district.

**Twenty-second**—The counties of McLean and Tazewell shall constitute the Twenty-second district.

**Twenty-third**—The Twentieth, Twenty-third and Twenty-fourth wards, in the city of Chicago, in the county of Cook, shall constitute the Twenty-third district.

**Twenty-fourth**—The county of Peoria shall constitute the Twenty-fourth district.

**Twenty-fifth**—The counties of Will and DuPage shall constitute the Twenty-fifth district.

**Twenty-sixth**—The counties of McDonough, Warren and Fulton shall constitute the Twenty-sixth district.

**Twenty-seventh**—The county of La Salle shall constitute the Twenty-seventh district.

**Twenty-eighth**—The counties of Hancock, Henderson and Mercer shall constitute the Twenty-eighth district.

**Twenty-ninth**—The counties of DeKalb, Kendall and Grundy shall constitute the Twenty-ninth district.

**Thirtieth**—The counties of Champaign, Piatt and Moultrie shall constitute the Thirtieth district.

**Thirty-first**—The counties of Bureau, Whiteside and Lee shall constitute the Thirty-first district.

**Thirty-second**—The counties of Mason, Cass, Brown and Schuyler shall constitute the Thirty-second district.

**Thirty-third**—The counties of Rock Island and Henry shall constitute the Thirty-third district.

**Thirty-fourth**—The counties of Morgan, Scott and Pike shall constitute the Thirty-fourth district.

**Thirty-fifth**—The counties of Vermilion and Edgar shall constitute the Thirty-fifth district.

**Thirty-sixth**—The counties of Green, Macoupin, Jersey and Calhoun shall constitute the Thirty-sixth district.

**Thirty-seventh**—The county of Adams shall constitute the Thirty-seventh district.

**Thirty-eighth**—The counties of Madison and Bond shall constitute the Thirty-eighth district.

Thirty-ninth—The county of Sangamon shall constitute the Thirty-ninth district.

Fortieth—The counties of Douglas, Coles and Clark shall constitute the Fortieth district.

Forty-first—The counties of Macon, DeWitt and Logan shall constitute the Forty-first district.

Forty-second—The counties of Fayette, Effingham, Clinton and Marion shall constitute the Forty-second district.

Forty-third—The counties of Christian, Montgomery and Shelby shall constitute the Forty-third district.

Forty-fourth—The counties of Clay, Wayne, Edwards, Wabash and Lawrence shall constitute the Forty-fourth district.

Forty-fifth—The counties of Jasper, Crawford, Cumberland and Richland shall constitute the Forty-fifth district.

Forty-sixth—The counties of Jefferson, Hamilton and White shall constitute the Forty-sixth district.

Forty-seventh—The counties of Washington, Perry, Franklin and Williamson shall constitute the Forty-seventh district.

Forty-eighth—The counties of Monroe, Randolph and Jackson shall constitute the Forty-eighth district.

Forty-ninth—The county of St. Clair shall constitute the Forty-ninth district.

Fiftieth—The counties of Union, Alexander, Pulaski and Massac shall constitute the Fiftieth district.

Fifty-first—The counties of Johnson, Pope, Hardin, Gallatin and Saline shall constitute the Fifty-first district.

WARD DEFINED.] Section 2. Wherever the word "ward" or "wards," "street" or "streets" in the city of Chicago are used in this act they shall be construed as meaning the ward or wards or street or streets as existing in said city of Chicago on the first day of December, A. D. 1897.

## ARTICLE XVII.

### JUDICIAL APPORTIONMENT.

#### *Supreme Court.*

DISTRICTS.] [Article VI, section 5 of Constitution.] The State shall be divided into seven districts for the election of judges, and until otherwise provided by law they shall be as follows:

First District.—The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski and Massac.

**Second District.**—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

**Third District**—The counties of Sangamon, Macon, Logan, DeWitt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

**Fourth District.**—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

**Fifth District.**—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy and Woodford.

**Sixth District.**—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee, Ogle and Rock Island.

**Seventh District.**—The counties of Lake, Cook, Will, Kankakee and DuPage.

The boundaries of the districts may be changed at the session of the general assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

### *Circuit Courts.*

**CIRCUITS.]** [Chapter 37, Section 73.] Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in lieu of the circuit courts provided by law and now existing, the State of Illinois, exclusive of the county of Cook, shall be and the same is hereby divided into judicial circuits as follows:

**First Circuit**—The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.

**Second Circuit**—The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.

**Third Circuit**—The counties of Randolph, Monroe, St. Clair, Madison, Bond, Washington and Perry.

**Fourth Circuit**—The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

**Fifth Circuit**—The counties of Vermilion, Edgar, Clark, Cumberland and Coles.

**Sixth Circuit**—The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.

Thirty-ninth—The county of Sangamon shall constitute the Thirty-ninth district.

Fortieth—The counties of Douglas, Coles and Clark shall constitute the Fortieth district.

Forty-first—The counties of Macon, DeWitt and Logan shall constitute the Forty-first district.

Forty-second—The counties of Fayette, Effingham, Clinton and Marion shall constitute the Forty-second district.

Forty-third—The counties of Christian, Montgomery and Shelby shall constitute the Forty-third district.

Forty-fourth—The counties of Clay, Wayne, Edwards, Wabash and Lawrence shall constitute the Forty-fourth district.

Forty-fifth—The counties of Jasper, Crawford, Cumberland and Richland shall constitute the Forty-fifth district.

Forty-sixth—The counties of Jefferson, Hamilton and White shall constitute the Forty-sixth district.

Forty-seventh—The counties of Washington, Perry, Franklin and Williamson shall constitute the Forty-seventh district.

Forty-eighth—The counties of Monroe, Randolph and Jackson shall constitute the Forty-eighth district.

Forty-ninth—The county of St. Clair shall constitute the Forty-ninth district.

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**Second District.**—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

**Third District**—The counties of Sangamon, Macon, Logan, DeWitt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

**Fourth District.**—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

**Fifth District.**—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy and Woodford.

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**Third Circuit**—The counties of Randolph, Monroe, St. Clair, Madison, Bond, Washington and Perry.

**Fourth Circuit**—The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

**Fifth Circuit**—The counties of Vermilion, Edgar, Clark, Cumberland and Coles.

**Sixth Circuit**—The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.

title of "Primary Election Law," and any election held in pursuance of any notice calling for an election under the "Primary Election Law," shall be taken and be deemed to be an election under this law.

**JUDGES—CLERKS—OATH—DUTIES—PENALTY.]** [Section 338, original act.] Section 5. The persons named as judges and clerks of election in the notice required by section four of this act, or any persons assuming or chosen to be such judges and clerks in the absence, refusal or failure to act of any of the judges or clerks named in such notice, shall first make oath or affirmation that they are legal voters and householders in one of the regular election precincts within the primary election district for which they were appointed to serve: that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this act, and of the notice for the election, which oath may be administered by any one of the judges, or by any person authorized under the laws of the State to administer oaths. And if one or all of the judges appointed to serve at the election be absent, or fail or refuse to serve at the hour appointed for the election to begin, then the electors present to the number of not less than five, possessing the qualifications of persons entitled to vote at said election, shall choose a person or persons to fill any vacancy that may exist. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender on conviction to punishment by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

**WHO MAY VOTE—COMMISSIONERS—LISTS—PENALTY FOR VOTING CONTRARY TO THIS ACT.]** [Section 339, original act.] Section 6. Every legal voter entitled to vote at regular elections within any election precinct, included within the primary district of which he is a resident, and who is a member of the political association or party holding the primary election, shall be entitled to vote at such primary election: *Provided*, That in cities, towns or villages, where there is a board of election commissioners having jurisdiction of general elections, no person shall be allowed to vote unless he shall be a member of the political party or association holding such primary election, and shall, upon demand, give the judges his name and place of residence, and he shall state upon like demand (if made) that he has not voted at any other primary election held by any other political association or party for a period of one year prior to the date of the primary election then held. He shall not have voted at this or any other poll at any primary election held that day, nor shall he be allowed to vote unless, in addition to the qualifications hereinbefore prescribed, he is a registered voter in one of the election precincts contained within the primary election district wherein he resides, and it shall be the duty of the board of election commissioners to furnish and distribute among the judges of every primary election held under this act, complete lists of the registered voters in each

election precinct contained within their respective primary election districts. Any person who is not a member of the political association or party holding a primary election, who votes at such primary election, shall be deemed guilty of a misdemeanor and shall be subject, on conviction, to punishment by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than six months or by both such fine and imprisonment, in the discretion of the court; and in any prosecution for the violation of the provisions of this act, wherein the fact as to the political party or association to which the defendant belongs is material, such membership may be shown by evidence of general reputation in the neighborhood where said defendant resided at the time of committing the alleged offense as to the political party or association to which he belonged.

COMMITTEE TO DIVIDE DISTRICT—NUMBER OF VOTERS IN.] [Section 340, original act.] Section 7. The committee or body electing to hold a primary election under this act shall divide the district, ward, township, city, town or village into primary election districts. Such primary election districts shall be formed of contiguous election precincts in as nearly compact form and as nearly equal as circumstances will permit; and no such primary election district shall be formed which shall contain more than 800 voters of the political association or party holding the primary election, the number of such voters to be determined by the vote cast at the last preceding presidential election. At any primary election held under this act, the voters of each of such primary election districts entitled to vote at such election shall choose their own representatives or delegates.

JUDGES MAY HEAR OBJECTIONS—OATH—REGISTERED VOTER—CHALLENGE—PENALTY.] [Section 341, original act.] Section 8. It shall be the duty of the judges of said election to entertain objections made by any qualified elector within his own primary election district, to any vote which may be offered, on the ground that the person offering it is not a citizen of the United States, or a legal resident and voter under the general election laws of the State, of the election precinct, ward, township, district, city, town or village for which the election is held; or that he is not a member of the association or party holding such election, or in case such person offering to vote should be registered by the terms of this act, that he is not a registered voter, or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place or some other place on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not withdrawn, to administer to the person so offering to vote, an oath or affirmation to the general effect that he will truly testify to all matters relating to his qualifications under the general election laws of the State, to his residence, citizenship, the political party or association to which he belongs, receiving or being promised, directly or indirectly, any money, fee or reward for his vote from any candidate or any other person, or whether he has voted at that or any other place on that

voting to show how he marks or has marked his ballot, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, and it shall be the duty of the election judges to enforce the provisions of this section.

WHEN OTHER PERSON ASCERTAINS OR DISCLOSES VOTE.] [Section 88. original act.] Section 17. If any person shall wilfully or corruptly ascertain or publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

#### BY ELECTION OFFICERS.

OFFENSES OF JUDGE OF ELECTION.] [Section 86. original act.] Section 18. If any judge of any election shall permit a person to vote, whose vote is challenged, without the proof required in this act; or

Second—Shall knowingly and wilfully permit a person to testify as a witness contrary to the provisions of this act; or

Third—Shall knowingly permit a person to vote who is not qualified according to law; or

Fourth—Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or

Fifth Shall refuse to receive the vote of a qualified elector at such election, who will make the affidavit and proof required by this act; or

Sixth—Shall be guilty of any fraud, corruption, partiality or manifest misbehaviour; or

Seventh—Shall open or unfold any ballot when the same is presented to be deposited in the ballot-box; or

Eighth—Shall wilfully neglect to perform any of the duties required of him by this act, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

WHEN JUDGE OR CLERK ASCERTAINS OR DISCLOSES VOTE.] [Section 87, original act.] Section 19. If any judge or clerk of election shall wilfully or corruptly ascertain, or shall allow any other person to ascertain, or shall wilfully publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

NEGLECT OF DUTY BY CLERK.] [Section 89, original act.] Section 20. If any clerk of an election shall wilfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption or misbehaviour as such clerk, he shall, on conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.



**FAILURE TO DELIVER POLL BOOKS, ETC.]** [Section 90, original act.] Section 21. If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally list and votes of such election to the place where, by law, they are required to be canvassed, wilfully or negligently fails to deliver such poll books, tally list or ballots within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

**NEGLECT BY COUNTY CLERK.]** [Section 91, original act.] Section 22. If the county clerk wilfully neglects or refuses to perform any duty required of him by this act, he shall, upon conviction, be fined in a sum not exceeding \$500, and shall be liable to any person injured by reason of such neglect or refusal, in an amount not exceeding \$500, to be recovered in an action on the case.

**FRAUD IN CANVASSING.]** [Section 92, original act.] Section 23. If any county clerk or justice of the peace shall be guilty of any fraud, corruption or misbehaviour, in canvassing the votes or making any abstract of votes, or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding \$500, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**REFUSAL OF SUPERVISOR, ETC, TO ACT—PENALTY.]** [Section 93½, original act.] Section 24. If any supervisor, county commissioner, or member of any county board, shall wilfully refuse, neglect or fail to do any act, or perform any duty required of him by the election laws of this State, he shall be deemed guilty of a misdemeanor, and, upon conviction, fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

**NEGLECT OF OFFICER TO PERFORM DUTIES.]** [Section 319, original act.] Section 25. Any public officer upon whom a duty is imposed by this act [June 22, 1891.] who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the object of this act, shall be punished by a fine of not less than five dollars nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year, and not exceeding five years, or by both such fine and imprisonment.

**PENALTY FOR MISCONDUCT OF BOARD OF REGISTRATION.]** [Section 147, original act.] Section 26. If any member or officer of any board of registration shall wilfully violate any of the provisions of this act [July 15, 1865.] or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offense by imprisonment in the State's prison for not less than one year.

**REPEAL.]** [Section 322, original act.] Section 27. This act shall not repeal an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June 19, 1885, or any of the amendments thereto; but all elections in cities, villages and incorporated towns which

have heretofore adopted or which may hereafter adopt the said act, shall be held in accordance with the provisions thereof. Except as to the manner of making nominations for office, the manner of printing and distributing ballots, the form of ballot, the arrangement and the furnishing of polling places and voting booths, and the manner of voting and the numbering and preserving the ballots, all of which shall be in conformity with the provisions of this act. No penalty provided for a violation of any of the provisions of this act shall be construed as a substitute for, or a repeal of any penalty provided in the aforesaid act of June 19, 1885, for a violation of any of the provisions of said act.

## ARTICLE XIV.

### RESIGNATION AND VACANCIES.

[OF ELECTIVE OFFICERS.] [Section 124. original act.] Section 1. Resignations of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

[WHEN OFFICE BECOMES VACANT.] [Section 125. original act.] Section 2. Every elective office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

First—The death of the incumbent.

Second—His resignation.

Third—His becoming insane.

Fourth—His ceasing to be an inhabitant of the State, or, if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

Fifth—His conviction of an infamous crime, or of any offense involving a violation of official oath.

Sixth—His removal from office.

Seventh—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth—The decision of a competent tribunal declaring his election void.

[WHO MAY DETERMINE WHEN VACANCY EXISTS.] [Section 126, original act.] Section 3. Whenever it is alleged that a vacancy in any office exists, the officer, court or county board, whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exists.

[GOVERNOR AND LIEUTENANT-GOVERNOR VACANT.] [Section 127. original act.] Section 4. In case of vacancies in the office of Governor and Lieutenant-Governor, the officer performing the duties of the office of Governor, or if there is no such officer, the Secretary

of State, shall issue a proclamation appointing a day for a special election to fill such vacancies, and shall issue a writ of election to the county clerks of the several counties in the State, and shall also, when necessary, call a special session of the General Assembly to canvass the votes cast at such election; but if such vacancy shall occur not more than ninety days before a general election for members of the Legislature, the vacancies shall be filled at such general election, in which case no special session of the General Assembly to canvass votes shall be deemed necessary.

STATE TREASURER AND AUDITOR.] [Chapter 130, section 4. Chapter 15, section 4.] Section 5. If any person elected to the office of State Treasurer or Auditor of Public Accounts shall fail to give bond or take the oath required of him within ten days after he is declared elected, the office shall be deemed vacant, and if the Treasurer or Auditor of Public Accounts, being required by the Governor to give additional bond fails to do so within twenty days after notice of such requirement, his office may, in the discretion of the Governor, be declared vacant and filled as provided by law.

OTHER STATE OFFICES.] [Section 128, original act.] Section 6. When a vacancy shall occur in the office of Secretary of State, Auditor of Public Accounts, Treasurer, Attorney-General, Superintendent of Public Instruction or member of the State Board of Equalization, the Governor shall fill the same by appointment, and the appointee shall hold his office during the remainder of the term, and until his successor is elected and qualified.

SENATOR OR REPRESENTATIVE.] [Section 129, original act.] Section 7. When a vacancy shall occur in the office of Senator or Representative in the General Assembly, it shall be the duty of the county clerk of the county in which the member whose office is vacant resided, to notify the Governor of such vacancy. Whereupon the Governor shall issue a writ of election to the county clerk or clerks of the county or counties in which the vacancy is to be filled, fixing a day upon which an election shall be held to fill such vacancy; but unless the General Assembly shall be in session at the time the vacancy occurs, or there shall be a session between the time vacancy occurs and the next succeeding general election, no special election shall be ordered to fill such vacancy.

REPRESENTATIVES IN CONGRESS.] [Section 130, original act.] Section 8. When any vacancy shall occur in the office of Representative in Congress from this State, the Governor shall issue a writ of election to the county clerks of the several counties in the district where the vacancy exists, appointing a day to hold a special election to fill such vacancy.

JUDGES.] [Section 131, original act.] Section 9. When a vacancy shall occur in the office of judge of the Supreme Court, judge of the circuit court, judge of the Superior Court of Cook county, or judge of the probate county court, the clerk of the court in which the vacancy exists, shall notify the Governor of such vacancy. If such vacancy shall occur within one year before the expiration of the term of the office made vacant, the Governor shall fill such vacancy by

appointment; but if the unexpired term exceeds one year, the Governor shall issue a writ of election, as in other cases of vacancies to be filled by election.

CLERKS OF COURTS.] [Section 132, original act.] Section 10. When a vacancy shall occur in the office of clerk of the Supreme Court, or in the office of clerk of the superior court of Cook county, or clerk of the circuit court of any of the counties of this State, and the unexpired term of such clerk shall exceed one year, it shall be the duty of the court, or, if in vacation, of the judge or judges of the court in which such vacancy may occur, to appoint a clerk *pro tempore*; and such appointee shall qualify in the same manner, and give bond as required by law of the clerk of the court to which he is appointed, to be approved by the court, or, if in vacation, by the judge or judges making the appointment; and thereupon such appointee shall be authorized to perform all duties and receive all emoluments allowed by law to the duly elected clerk of such court, and shall hold such office until an election can be held to fill the same, and until the person so elected shall have qualified according to law. Whenever an appointment shall be made, as provided by this act, it shall be the duty of the court, or the judge or judges making such appointment, to notify the Governor forthwith of the vacancy filled by such appointment; and upon receiving such notice, it shall be the duty of the Governor, as soon thereafter as may be practicable, to issue a writ of election as in other cases of vacancies to be filled by election, in the same manner as if no appointment had been made; and when any such vacancy shall occur, and the unexpired term does not exceed one year, such vacancy shall be filled by appointment by the court to which such office appertains, or by the judge or judges thereof.

COUNTY OFFICERS, PRECINCT OFFICERS, ETC.] [Section 133, original act.] Section 11. When a vacancy shall occur in the office of county commissioner, State's attorney, sheriff, coroner, county clerk, recorder of deeds, county treasurer, county surveyor, or other county, town or precinct officer not otherwise provided for by law, within one year before the expiration of the term of such vacant office, the vacancy shall be filled by appointment by the county board of the county in which the vacancy exists; but if such unexpired term exceeds one year the county clerk, or, in case of a vacancy in his office, the chairman of the county board, shall issue an order appointing a day for an election to fill such vacancy, and cause notice thereof to be given as in other cases of election.

COUNTY SUPERINTENDENT.] [Chapter 122, Section 14.] Section 12. When the office of county superintendent shall become vacant by death, resignation, the removal of the incumbent by the county board or otherwise, the county board shall fill such vacancy by appointment, and the person so appointed shall hold his office until the next election of county officers, at which election the county board shall order the election of a successor.

VACANCY—HOW FILLED.] [Chapter 79, Section 7.] Section 13. When a vacancy occurs in the office of a justice of the peace or constable, by death, resignation, removal from the town or precinct, or

other cause, if the unexpired term exceeds one year his office shall be filled by special election; and it shall be the duty of the town clerk in counties under township organization, and county clerks in counties not under township organization, in case of such vacancy, to issue his order to the judges of election of the proper town or precinct, requiring them, on a certain day therein named, not less than twenty days from the issuing of such order, to hold an election to fill such vacancy; and at the same time the county clerk shall deliver to such judges three copies of a notice of such election, two of which notices shall be posted up in such town or precinct in the most public places therein; and an election shall be held pursuant to such order, and conducted as other elections. If the unexpired term of his office does not exceed one year, the vacancy shall be filled by appointment by the county board.

JUDGE OF CITY COURTS.] [Chapter 37, part Section 244.] Section 14. Vacancies in the office of judge of city court shall be filled for the unexpired term, at a special election, to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by appointment by the Governor.

TO WHAT ELECTIONS THIS ACT MAY APPLY.] [Section 134, original act.] Section 15. The provisions of this article shall apply, as far as practicable, to all elections in the State, whether general, special, local or municipal, except so far as they are modified or contravened by other legal enactments.

## ARTICLE XV.

### CONGRESSIONAL APPORTIONMENT.

DISTRICTS.] [Section 150, original act.] Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The State of Illinois be and the same hereby is apportioned into twenty-two congressional districts, and that the same are hereby established and shall be respectively composed as herein set forth, to-wit:

The first district shall be composed of the towns of Rich, Bloom, Orland, Bremen, Thornton, Calumet and Worth in Cook county, and the Fourth ward east of the center line of Wentworth avenue, the Third ward, the Thirty-first ward, the Thirty-second ward, the Thirty-third ward and the Thirty-fourth ward of the city of Chicago.

The Second district shall be composed of the towns of Lemont, Palos, Lyons, Proviso, Riverside, Cicero, Leyden, Norwood Park, Maine, Elk Grove, Schaumburg and Hanover, in Cook county, and the Tenth, Twenty-eighth, Twenty-ninth and Thirtieth wards of the city of Chicago.

The Third district shall be composed of the First, Second, Fifth, Sixth, Seventh wards and that part of the Fourth ward west of the center line of Wentworth avenue, all in the city of Chicago.

approved June 22, 1891, and in force July 1, 1891. Within the time limited as aforesaid such political party or organization, through its central committee or managing committee, may determine the day for holding such primary election. But no two political parties shall hold their primary elections on the same day, and the first political party applying, as hereinafter set forth, shall have the preference in the choice of days as aforesaid.

WHAT CONSTITUTES A DISTRICT—LOCATION OF POLLS—JUDGES AND CLERKS.] Section 3. For the purpose of primary elections, under this act, not less than two and not more than six contiguous regular election precincts of the same ward or other political division in as compact a form as practicable shall be joined so as to form one primary election district, but in such manner that each primary election district shall include at least three regular election judges and two regular election clerks, residing within such primary district and belonging to the party establishing such primary district. In no event shall any primary district contain more than 1,000 voters, to be ascertained by the party vote of the party holding said primary election, cast at the last preceding general election; the term general election as used in this act shall apply to any election held for the choice of a national, state, judicial, district or county office, whether for the full term or for the filling of a vacancy.

*Provided*, That where a regular election precinct consists of and is coextensive with a congressional township, then said congressional township shall constitute one primary election district within the meaning of this act: *And provided, further*, That in such case, and in any case where there exists no board of election commissioners, and where the judges and clerks of election are appointed and chosen by a board of supervisors or board of county commissioners, then the judges and clerks who are to serve as judges and clerks of any primary election shall be members of the political party holding such primary election; and if there are no judges and clerks of election in and for such congressional township who belong to or are members of the political party seeking to hold a primary election under the provision and within the meaning of this act, then the county central, or governing committee, of such political party shall have and is hereby granted the power and right to name, appoint, notify, direct and qualify such members of its own party as are otherwise eligible under the provisions of this act to serve as judges and clerks of such or any primary election held under and within the meaning of this act. And in such event, the compensation per diem of such judges and clerks shall be the same as that of judges and clerks serving at any regular election, notwithstanding the provision for compensation found in section 10 of this act.

In each such primary election district there shall be a primary polling place, which shall be as near the center of population of such district as is practicable, and such primary polling place shall be in the most public, orderly and convenient part of such primary district, and no building shall be designated or used as such polling place in

which spiritous or intoxicating liquor is sold, or which is within 100 feet of any place where such liquor is sold, and any person who knowingly designates for such polling place a building where such liquor is sold shall, on conviction thereof, be deemed guilty of a misdemeanor under this act, and shall be punished accordingly. The central committee or managing committee of any political party or organization entitled to hold such primary elections under this act shall establish such primary election districts and such polling places according to this act. In default of such central committee or managing committee designating such primary election districts and polling places, the same shall be done by the member or members of the board of election commissioners representing said party, or if no such board exists in the county, then by the judge of the county court.

**DUTY OF CENTRAL COMMITTEE AS TO JUDGES AND CLERKS.]** Section 4. For each primary election district such political party or organization, by its central committee or managing committee, shall designate from the list of duly appointed and regular election judges and clerks three judges and two clerks, who are members of such party, to serve respectively as judges and clerks at such primary election: *Provided*, That such political party or organization shall always have the right to designate for such primary elections only such of the regularly listed judges and clerks as were originally recommended and named or endorsed for appointment as regular election judges and clerks by such political party or organization as aforesaid; and in case there are not in office a sufficient number of listed regular judges and clerks so originally recommended and named or endorsed by such political party or organization to equip all primary polling places of such party, then such political party or organization may in due time, through its central committee or governing committee, select and name to the board or officer by the general election law authorized to appoint judges and clerks a sufficient number of persons for appointment to serve as primary judges and clerks, who are qualified to serve as judges and clerks at a regular election, to equip all the primary polling places of such party. Such judges and clerks must reside within such primary election district for which they are appointed, but no two clerks, and except where only two regular election precincts form a primary election district, no two judges, shall serve at the same primary election who reside in the same regular election precinct.

**CALLS TO BE FILED 15 DAYS BEFORE ELECTION.]** Section 5. No political party or organization shall be entitled under this act to hold a primary election unless at least fifteen (15) days before such primary election day such political party or organization shall file with the Board of Election Commissioners within whose jurisdiction they are and in such portions of the county as lie beyond the jurisdiction of the said Board of Election Commissioners, also with the county clerk, and with the county clerk where there is no Board of Election Commissioners, a call or application in writing, which shall set forth:

First—The name of such political party and the address of the headquarters of the central committee or managing committee of such political party.

Second—The day on which such primary election is to be held.

Third—The name, place and time of every convention for the nomination of candidates for the public office for which such primary election is called.

Fourth—The description of each of the various primary election districts, together with the names of three persons for judges of election and two persons for clerks of election for each such primary district, also the designation of a polling place for each such primary district.

Fifth—The number of delegates from each such primary district to each convention: *Provided*, That the number of delegates from each of the different primary districts be proportioned equally to the number of voters of such political party in each district as shown by the last preceding presidential election returns: *And provided*, That each primary election district shall be allowed to be represented by at least one delegate to each convention in which such primary district is entitled to be represented.

Sixth—The name of some newspaper recommended for the publication of the notice of such primary election as hereinafter provided.

CALL TO BE MADE UNDER OATH—PARTY NAMES RESTRICTED.] Section 6. Such call or application shall be signed by the chairman and attested by the secretary of the central committee or managing committee of such political party or organization, verified by oath that the facts therein stated are true, and that they are respectively the chairman and secretary of such committee. No persons and no political party or organization shall use the name of another political party or organization or any designation so similar to that of another political party or organization as to deceive voters. Upon the filing of such call or application according to the provisions of this act, any political party or organization which at the last preceding general election in this State polled at least ten (10) per cent. of the entire vote cast in the whole county, city, village or incorporated town represented by such political party or organization shall be allowed to hold a primary election under this act.

NOTICES.] Section 7. At least ten (10) days before the primary election day designated as aforesaid by such political party it shall be the duty of the board of election commissioners, or the county clerk, or both, as the case may be, upon the application of any political party entitled thereto as aforesaid through its central committee or managing committee as aforesaid, to give notice of such primary election. Such notice shall contain the name of the political party or organization for which such primary election is to be held, the address of the headquarters of the central committee or managing committee of such party, the name, place and time of each convention according to the call aforesaid to be held by such party for the nomination of candidates for



public office; the date upon which such primary election is to be held, the description of each of the various primary election districts, the location of the polling place for each such district, the names of the three judges and the two clerks appointed to serve at each primary election district, the number of delegates to be elected from each primary district to each convention. Such notice shall be published in some newspaper of general circulation recommended by the executive committee of the political party or organization for which such primary election is to be held. But no failure or error in such publication or in the application aforesaid shall invalidate any primary election actually held, and any primary election held pursuant to any notice substantially like the above notice shall be deemed to be held under this act, and all justices of the peace and all judges of courts of record in the territory for which such primary election is called shall take judicial notice of the holding of such primary election under this act.

ELECTION LAWS IN FORCE—EXPENSES—POLLING PLACES TO BE FURNISHED.] Section 8. All the laws of this State respecting the general elections in this State, now or hereafter in force in any election precinct or district in such county, city, village or incorporated town, except as the same are modified by the provisions of this act, and so far as the same are applicable to the primary elections provided for in this act, are hereby declared to be in force in each primary election district respecting the primary elections provided for in this act. The expense of conducting such primary elections in such county, city, village or incorporated town shall be paid by such county, city, village or incorporated town, respectively, to which this act shall apply, as hereinafter provided, including the salaries of judges and clerks, the cost of ballot boxes, registry books, poll books, return sheets, stationery, supplies, polling places and such other expenses, except the printing of ballots, as are necessary and incidental to carrying out the provisions of this act. The board of election commissioners, where such board has jurisdiction, otherwise the clerk of the county, shall audit all the claims of such judges and clerks of such primary election, and such board or such clerk, as the case may be, shall audit all other claims incidental to expenditures allowed by this act, and all expenses incurred by such board, or by any other officer authorized by this act to provide for such primary election, shall be paid as aforesaid upon the warrant of such board of election commissioners, or of such officer.

Polling places in the respective primary election districts shall be appointed, provided, established, furnished, warmed, lighted, maintained, conducted and supervised;

And all necessary ballot boxes, registry books, return sheets, blanks, poll books, stationery and supplies shall be provided, furnished, delivered and used;

And notice of such primary election shall be given, posted and published:

And all judges and clerks shall be paid, appointed upon the recommendation of the central committee or managing committee, as aforesaid, qualified, notified, directed, instructed, sworn, and vacancies in their number supplied;

And such primary elections in each election district shall be conducted, supervised, regulated and controlled;

And after being used at any primary election, all registry books, poll books, ballots, statements, returns, ballot boxes, ballot box keys and other election paraphernalia shall be preserved, kept, stored, accounted for and returned;

And the polling places and the polls of such general primary election shall be opened and closed respectively in the same manner and by the same persons or officers or boards of judges and clerks, as are provided by the law in force in any election precinct or district in such county, city, village or incorporated town, respecting the general elections, except as such general election laws are modified by this act, and except as to the time of appointing the respective polling places in the various election precincts or districts, which time shall be at least ten (10) days before each such primary election day.

*Provided*, That in cities, villages and incorporated towns where there is a board of election commissioners all expense incurred by said board of election commissioners shall be paid by such city. Such expenses are to be audited by the county judge and shall be paid by the city treasurer upon the warrant of such county judge out of any money in the city treasury not otherwise appropriated. It shall be the duty of the governing authority of such city to make provision for the prompt payment of such expenses. At all primary elections for city officers, though other than city officers may be nominated at the same time, and at all primary elections in a part of such city, such city shall pay such judges and clerks for their services under this act. At all general county and State primary elections, though other than State and county officers are to be nominated, and at all primary elections where other than judicial officers are to be nominated, such county shall pay such judges and clerks for their services under this act. Said board of election commissioners shall audit all the claims of judges and clerks and shall draw a warrant therefor upon such city or county treasury, as the case may be.

JUDGES AND CLERK—VACANCIES—REMOVALS—PENALTIES.] Section 9. The judges and clerks appointed for such primary election, according to this act, shall, by the same election officers or boards authorized by such general election law to appoint such judges and clerks, be directed and notified to appear within a certain time before such officers or boards for the purpose of being sworn, instructed and directed for service at the primary election next ensuing, and it shall be the duty of such judges and clerks, unless excused by such officers or boards, by reason of ill health or other legal and sufficient cause, to serve as judges and clerks respectively at their respective polling places at the primary election for which they are designated or appointed according to this act; and willful neglect and failure so

to serve shall be a misdemeanor under this act. The judges and clerks to fill vacancies as aforesaid, provided in this section, shall be appointed for such primary elections at least ten (10) days prior to such primary election day. Judges and clerks shall not be removed from office within five (5) days of such primary election, except for flagrant misbehavior, incapacity or dishonesty; and the reasons therefor shall be preserved of record. It shall be the duty of the board of election commissioners, or the county clerk, or both, as the case may be, ten (10) days before any such primary election, to notify the judges and clerks to attend at their respective polling places at such primary election, and to instruct them as to their duties by means of a printed pamphlet issued at the expense of such county, city, village or incorporated town. In cities, villages and incorporated towns in any county to which this act shall apply that have adopted or may hereafter adopt the act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State, in force July 1, 1885, the judges and clerks acting at any primary election under this act shall be officers of the county court and shall be liable for contempt for any misbehavior in the same manner and with the like consequences and punishment as are provided for in the act last aforesaid respecting general elections.

COMPENSATION OF JUDGES AND CLERKS.] Section 10. The judges and clerks of such primary election shall be allowed the sum of five dollars (\$5.00) each per day for their services in attending such primary election.

QUALIFICATIONS OF VOTERS.] Section 11. Every legal voter entitled to vote at the last preceding general election, whose name is on the general registry book of any election precinct within the primary district in which he offers to vote, and who, at the time he offers such vote, is a resident of the primary district in which he offers to vote, shall be entitled to vote at such primary election, provided he is a member of the political party or organization holding such primary election, and provided he has not voted at the primary election of any other political party or organization within one year last preceding. Otherwise, no person shall vote or be qualified to vote, and the vote of no person at such primary election shall be received or counted by any of said judges. In any prosecution for the violation of the provisions of this act, wherein the fact as to the political party or organization to which the defendant belongs is material, such membership may be proved by evidence of general reputation in the neighborhood where said defendant resided at the time of committing the alleged offense.

DELEGATES—ELIGIBILITY—ALTERNATES—VACANCIES.] Section 12. None but legally qualified voters residing in the primary district to be represented shall be eligible as delegates to any convention of such party. Judges and clerks acting as such at any primary election shall be ineligible as delegates to any such convention. Not more than one person shall be elected as an alternate delegate for each delegate to any such convention, and no person

shall act as a delegate to any such convention except when elected a delegate or an alternate delegate according to this act: *Provided*. That if no delegate or alternate from a given district appears at such convention, the vacancy may be filled by the delegate or delegates present from that ward or township.

**VOTING TO BE BY BALLOT—FORM.]** Section 13. At such primary election the manner of voting shall be by ballot. The ballots shall be of uniform size, and shall be not less than eight (8) inches in length and four (4) inches in width. The ballots shall be printed or written, or partly printed or partly written, upon plain white paper. The name of each delegate and alternate delegate for whom the voter intends to vote shall appear on the same ballot on the same side thereof in plain letters, together with the name of the convention or such conventions to which such delegates are to be elected. Immediately preceding the list of delegates to any convention may appear the name of the candidate for whom such delegates are expected to vote in such convention. Unless ballots substantially comply with this act in size and color the same shall be void for all purposes, and shall not be received or deposited or counted by any judge at any such primary election; and all ballots not in accordance with the provisions of this act, but which by any mistake may have been deposited in the ballot box, shall be void and shall be marked "defective" on the back thereof, but no ballot shall be defective because the voter depositing the same has named upon it a less number of delegates than such voter was entitled to vote for. If the voter marks more names than there are delegates to be elected to a certain convention, or if for any reason it is impossible for the judges to determine the voter's choice, such ballot shall not be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum, signed by the judges, stating how it was counted shall be written upon the back of each ballot so marked, and all ballots marked defective or objected to shall be enclosed in an envelope securely sealed and so marked and endorsed as to clearly indicate its contents.

**OPENING AND CLOSING POLLS—JUDGES AND CLERKS NOT TO ABSENT THEMSELVES—PENALTIES.]** Section 14. The polls of such primary election shall be opened at one o'clock in the afternoon, and continue open until seven o'clock in the afternoon of the same day, at which time the polls shall be closed, and if any judge or clerk shall be behindtime for fifteen (15) minutes after the time for opening such polls he shall be guilty of a misdemeanor under this act and punished accordingly. No judge or clerk shall absent himself to exceed five minutes at any time until the ballots are all cast and counted and returns made; and when absent for any cause during such time said judge or clerk shall authorize some one of the same political party with himself to act for him until his return. If any judge or clerk shall not be present after the expiration of fifteen (15) minutes from the time to open the polls, the judge or judges present shall fill the place of such absent judge or clerk, and one of the judges shall administer to such

substitute the oath as required of the judges or clerks when originally appointed, and blank forms shall be provided for such purpose, which oath shall be preserved and returned, and such appointee shall be subject to the same punishment and penalties as any other judge or clerk. Whenever such regular judge or clerk shall be present such substitute shall cease to act. If all judges or clerks fail to appear at the proper time at the polling place, then bystanding voters of such election district to the number of five or more of the same political party affiliations as such absent judges or clerks may elect judges or clerks of the same political party affiliation as the absent judges or clerks to fill such vacancies. Such judges and clerks elected as last aforesaid shall have full power to conduct such primary election in accordance with this act. Any judge or clerk who shall wilfully absent himself from the polls on such primary election day, without good cause, shall be guilty of a misdemeanor under this act; and if any judge or clerk shall wilfully detain any registry book or poll book, or other election paraphernalia, and not cause it to be produced at the polling place at the opening of the polls, or for fifteen minutes thereafter, he shall be guilty of a misdemeanor, and on conviction shall be imprisoned not less than three months nor more than one year in the county jail, or be fined not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, in the discretion of the court.

**BALLOT BOX TO BE IN VIEW OF PUBLIC—PENALTY.]** Section 15. Before voting begins the ballot box shall be empty; and it shall be opened and shown to those present to be empty; and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and it shall not be again opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor, and on conviction thereof shall be fined one thousand (1,000) dollars each, if such ballot box shall not be kept constantly in public view during the progress of the election, unless it shall be shown by any judge that he protested against any obstruction of the view of the ballot box and was overruled by the majority of the judges.

**DUTY OF CLERKS—FORM OF POLL BOOK.]** Section 16. Each of the clerks of election, in the poll books kept by him, shall enter in the proper column the name of each person whose vote is duly received for deposit in the ballot box; and in the column under the heading "Number" he shall note the successive number of each successive voter; and in the column headed "Residence" he shall note the residence of each such voter. For such primary election special poll books shall be provided by the same persons, officers or boards, respectively, who by the regular election law in force in any precinct in such county, city, village or incorporated town are charged to provide poll books for use at regular elections. Each page of such special book shall be substantially in the following form:

## REPUBLICAN

## POLL BOOK

Of a primary election held in the ..... primary district of the ..... ward, of the city of ..... town of ....., county of ....., on the ..... day of ..... A. D. 18....

This is to certify that the within list is a correct list of Republican voters at a primary election held on the ..... day of ..... A. D., 18.... in ..... the primary district of ..... ward, in the city of ....., town of ..... county of ....., and State of Illinois.

And that on said primary election day, ....., 18.... the undersigned judges and clerks served, and are entitled to pay therefor.

..... }  
 ..... } Judges of Election.  
 .....

Dated ....., 18....

..... }  
 ..... } Clerks of Election.  
 .....

No. of Votes.	Name of Voters.	Residence.
1.....	.....	.....
2.....	.....	.....
3.....	.....	.....
4.....	.....	.....
5.....	.....	.....
6.....	.....	.....

Such poll books shall otherwise be of the form, and shall contain the same certifications, as nearly as may be, as the poll books used in the regular elections, and such poll books shall be signed and attested in the same manner as poll books for the purpose of regular elections.

**DUTY OF JUDGES—CHALLENGERS—AFFIDAVITS PRESERVED.]** Section 17. One of the judges of such election shall receive the ballot from the voter and shall announce the residence and name of such voter in a loud voice; such ballot shall be folded by the voter in such manner that the contents thereof can not be seen without unfolding such ballot. If the judges of election, after consulting the registry books, are satisfied that the person offering to vote is a legal voter, whose name is registered on the regular election registry books, and a member of the political party holding such primary election, and if no challenge is interposed, the judge receiving such ballot shall again

announce to the clerks of election the residence and name of the person offering such ballot, and upon ascertaining the proper successive number for each such ballot, such judge shall mark, with pencil or ink, the initials of his own name, the proper number on the back of such ballot, as it is folded, and thereupon such judge, after holding up and showing the ballot to be so marked, shall immediately, in the presence of the voter offering such ballot, and keeping the same in the plain view of the judges and clerks of election and of such voters and challengers as may be present, deposit into the slot of the ballot box the ballot thus received and marked, and no other; and thereupon the clerks of election shall enter upon the poll books in the proper column the name and proper successive number of such voter and his residence. The judges and clerks, and each of them, shall see to it that each ballot is endorsed as aforesaid, and that the number endorsed on the back of each ballot deposited in the ballot box corresponds with the proper number of the voter on the poll book. If such person so registered shall be challenged as disqualified, the person challenging shall assign his reason therefor, and thereupon one of said judges shall administer to the person offering to vote an oath to answer all questions truthfully; and if he shall take such oath he shall then be questioned by said judge or judges touching such cause of challenge, and touching any other cause of disqualification; and he may also be questioned by the person challenging him in regard to his qualifications and identity; but if a majority of the judges are of the opinion that he is the person so registered and a voter qualified to vote at such party primary election, his vote shall then be received and deposited. But if the vote of a person apparently registered be rejected by such judges, such person may afterwards produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in any precinct within such primary district and in the county and State; that he is a male citizen of the United States, and is a member of the political party holding such election and is a duly qualified voter at such primary election in such district, and that he is the identical person so registered. But the affidavit aforesaid shall be supported by an affidavit by at least two registered voters who are householders residing in such primary district, stating their own residence and that they know such person to be a member of the political party holding such primary election and that such person does reside at the place mentioned, and has resided in such primary district and in such election precinct, county and State for the length of time as stated by such person, which affidavit shall also be subscribed and sworn to as the affidavit last aforesaid; whereupon the vote of such person shall be received and entered as other votes. But the clerks having charge of such poll books shall state in their respective poll books the facts in such case, and the affidavits so delivered to said judges shall be preserved and returned to the officers entitled to receive them. Blank affidavits of the character aforesaid shall be sent out to judges of all the districts, and the judges of election shall

furnish the same on demand and administer the oath without criticism. Such oaths, if administered by any other officer than a judge of election, shall not be received.

**CHALLENGERS—NUMBER AND PRIVILEGES.]** Section 18. The judges of election shall permit each different ticket of delegates to be represented by a challenger, chosen by the majority of those named for delegates on any particular ticket. Said challengers shall be protected in the discharge of their duty by the judges of election and the police. Said challengers shall be permitted to remain within the polling place in such a position as will enable them to see each person as he offers his vote; and said challengers may remain within the polling place throughout the canvass of the vote and until the returns are signed.

**POLICEMEN ADMITTED.]** Section 19. The judges of election shall admit one or more policemen to be present in said polling place at the time of such canvass. None but the officers of such primary election, challengers and peace officers shall occupy such polling place except for the purpose of voting.

**JUDGES MAY ADMINISTER OATHS—KEEP PEACE, MAKE AND CAUSE ARRESTS.]** Section 20. The judges of election shall have the power to administer and certify oaths required during the progress of any primary election held under this act, and they shall have authority to keep the peace, and to cause any person to be arrested for any breach of the peace, or for any breach of election laws, or any interference with the progress of such election or of the canvass of the ballots, and it shall be the duty of all officers of the law present to obey the orders of such judges of election, and an officer making an arrest by the order of judges for any violation of the provisions of this act shall be protected in making such arrest the same as if a warrant had been issued to him to make such arrest.

**CANVASS OF VOTES.]** Section 21. Immediately upon the closing of the polls the judges and clerks shall proceed to canvass the votes polled. If two or more ballots are found folded together and within each other so as to appear to have been cast by the same person as one ballot, and the inner ballot or ballots are without the proper successive number and initial mark as provided in this act, then all such ballots so folded together, including the outer one, whether such outer one is properly marked on the back thereof as provided in this act or not, shall as nearly as may be in the same condition as found, be marked "stuffed," and such ballots shall be void and shall not be counted, and the same shall be placed in an envelope marked "stuffed ballots," which envelope shall be sealed and preserved, together with the other ballots. If the ballots remaining shall be found to exceed the number of names entered on the poll lists such judges and clerks shall reject the ballots, if any be found upon which the proper number and initial marks do not appear. If the number of ballots still exceeds the number of names entered on such poll list, the ballots remaining shall be replaced in the ballot box and the box closed and well shaken, and again opened and one of the judges shall publicly draw out and



destroy so many ballots unopened as shall be equal to such excess. Such judges and clerks shall then proceed to count, declare and record the votes in the following manner: The judges shall open all the ballots and place in separate piles those which contain the same names throughout. Each of the judges shall examine such separate piles and exclude from such piles any ballots which do not contain all the same names for all the same conventions. One of said judges shall then take one pile of the kind of ballots which contain the same names and count them carefully, examining each name and convention on each of such ballots. Such judge shall then pass the ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, and he shall then pass them to the third judge, who shall also count them in the same manner. The third judge shall then call the names of the persons named in such ballots and the conventions for which they are designated, and the poll clerks shall note the number of votes for each of such persons on any memorandum paper. When such judges have counted through such first pile of ballots containing the same names, and when the poll clerks shall have noted the votes for each of the delegates named in such ballots, they shall then take up the next pile of ballots containing the same names and shall count them in the same manner as last aforesaid. When the counting of each pile of ballots which contain the same names shall be completed the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed; and when they agree upon the number one of them shall announce it in a loud voice to the judges. The judges shall then canvass the other kind of ballots which, in names or conventions, do not correspond with one another. They shall be canvassed separately by one of the judges sitting between two other judges, which one judge shall read to the clerks from each such ballot each name and the convention for which such name is designated, and the other judges looking at the ballot at the same time, and the poll clerks making note of the same. When all these ballots have been canvassed in this manner the clerks shall compare their notes together and ascertain the total number of votes received by each person, and when they agree upon the number one of them shall announce in a loud voice to the judges the number of votes received by each person.

CANVASS NOT TO BE ADJOURNED—RETURNS—HOW MADE.] Section 22. Such canvass shall not be adjourned or postponed until the several statements hereinafter required to be made by the judges and clerks have been made and signed by them. The challengers shall be permitted to remain so near that they can see the judges and clerks are faithfully performing their duties. Upon the completion of such canvass the judges of election shall declare the result thereof, and such declaration shall be prima facie evidence of the result. The judges of election shall make three statements of all the votes cast at such primary election. Such statement shall be substantially in the following form:



therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each statement. One statement as aforesaid of the votes cast shall, after being made out as aforesaid, be attached to the poll book, another statement as last aforesaid shall be enclosed in an envelope, properly endorsed and marked by such judges, and the same shall, by one of such judges, be addressed and carried to the office of the chairman of the central committee or managing committee of such political party, and the receipt of such chairman shall be taken therefor. Another statement shall be enclosed in an envelope, which shall then be securely sealed, and each of the judges shall write his name across every fold at which the envelope, if unfastened, could be opened. On the outside of such envelope shall appear substantially the following words: "Statement of all Republican votes cast at the ..... Primary District of the ..... ward of the town of ..... county, of ..... on the ..... day of ..... 18...."

The envelope last aforesaid shall be addressed to the board of election commissioners, or if there be no such board in the county, or jurisdiction, then to the county clerk of the county, and one of the judges shall carry the same to such board of election commissioners, or to such county clerk, as the case may be, and take a receipt for the same.

**JUDGES SHALL ISSUE CERTIFICATES—CAST LOTS IN CASE OF TIE.]** Section 23. The judges of election of each primary district shall issue a certificate of election to each person who has received a plurality of all the votes cast for delegates or alternate delegates to any particular convention, from such primary district, and they shall deliver the same to the persons entitled thereto. In case two or more persons each receive the same and the highest number of votes cast for delegates or alternate delegates to the convention, then a particular judge of election shall then and there decide by lot which person or persons shall be entitled to such certificates, and they shall issue to each such person so chosen such certificate, and make a note of such fact upon the statements provided for in this act.

**FELONIES—PENALTIES.]** Section 24. If, at any such election, any person shall falsely personate any elector legally qualified to vote at such primary election, and vote or attempt or offer to vote in or upon the name of such elector or other person, living or dead;

Or shall knowingly, wilfully or fraudulently vote more than once for any candidate;

Or vote more than once, or vote in more than one election precinct or district;

Or having once voted, shall vote or attempt or offer to vote again,

Or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector in giving his vote;

Or unlawfully prevent or hinder, or unlawfully attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage;

Or shall, by any such unlawful means compel or induce, or attempt to compel or induce, any judge of election or other officer to receive the vote of any person not legally qualified or entitled to vote at the said election;

Or shall knowingly, wilfully or fraudulently interfere with, delay or hinder, in any manner, any judge of election, clerk or other officer of election, in the discharge of his duties;

Or by any such means, or other unlawful means, wilfully, knowingly or fraudulently counsel, advise, induce or attempt to induce, any judge of election, clerk, or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, or give or make any false certificate, document, report, return, or other false evidence in relation thereto, or to refuse to comply with his duty, as specifically provided for in this act, or to refuse to receive the vote of any person entitled to vote therein;

Or shall aid, counsel, advise, procure or assist any legally qualified voter, person or judge of election, or other officer of election, to do any act by law forbidden or in this act constituted an offense;

Every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than one nor more than five years.

**SUNDRY ACTS OF JUDGES AND CLERKS DECLARED FELONIES--PENALTIES.]** Section 25. If any election clerk, or any judge of election performing the duties of clerk, or other person performing such duties, shall wilfully keep a false poll list:

Or shall knowingly insert in his list any false statement, or any name or statement, or any check, alternation [alteration] or mark, except as in this act provided, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**ACTS OF JUDGES DECLARED MISDEMEANORS--PENALTIES.]** Section 26. Any judge of election who shall wilfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election without exacting from such person such oath or other proof of qualifications as may be required by law, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than one nor more than two years.

**ACTS OF JUDGES AND CLERKS DECLARED FELONIES--PENALTIES.]** Section 27. Every judge of election, clerk or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at such election in any district who shall wilfully make any false canvass of such votes, or shall make

sign, publish or deliver any false return of such election or any false certificates or statement of the result of such election, knowing the same to be false, or who shall wilfully deface, destroy or conceal any statement, tally or certificate entrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**OTHER ACTS OF JUDGES, CLERKS AND OTHER PERSONS DECLARED FELONIES—PENALTIES.]** Section 28. If any person, other than a judge of election, shall at any such election knowingly and wilfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes;

Or if any judge of election shall knowingly and wilfully cause or permit any ballot or ballots to be in said box at the opening of the polls and before the voting shall have commenced, or shall knowingly, wilfully or fraudulently put any ballot, or other paper having the semblance thereof, into any such box at any such election, unless the same shall be offered by an elector whose name shall have been found upon the registry, or who shall be entitled to vote under this act, or knowingly put or permit to be put into the ballot box any ballot except the single ballot of each qualified voter;

Or if any such judge of election or other officer or person shall fraudulently, during the canvass of ballots, in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed;

Or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots taken from, the ballot box then being canvassed, or from any ballot box which has not been canvassed;

Every such person shall, upon conviction thereof, be adjudged guilty of felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**ACTS OF ELECTION OFFICERS DECLARED FELONIES—PENALTIES.]** Section 29. If any judge of election, clerk or other officer of election of whom any duty is required in this act or by the general election laws of this State, so far as the same are consistent with the provisions of this act, shall be guilty of any willful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**ACTS OF ELECTION OFFICERS DECLARED FELONIES—PENALTIES.]** Section 30. Every judge of election, clerk or other officer or person having the custody of any record, registry of voters, or copy thereof, oath, return or statement of votes, certificate, poll list or of any paper, document or vote of any description in this act directed to be

made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof;

Or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than one nor more than five years.

**SUNDRY ACTS OF PERSONS NOT ELECTION OFFICERS DECLARED FELONIES—PENALTY.]** Section 31. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said last section, or who advises, procures or abets the commission of the same or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every offense shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**PERJURY—PENALTY.]** Section 32. Any person who shall be convicted of wilfully and corruptly swearing or affirming in taking any oath or affirmation prescribed by, or upon any examination provided for, in this act, shall be adjudged guilty of a willful and corrupt perjury, and shall be punished according to the laws of the State.

**SUBORNATION OF PERJURY—PENALTY.]** Section 33. Every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt, or offer so to do, shall be adjudged as guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury.

**(OTHER ACTS DECLARED FELONIES—PENALTIES.)** Section 34. If any person shall fraudulently change or alter the ballot of any elector or substitute one ballot for another;

Or fraudulently furnish any elector with a ballot containing more than the proper number of names;

Or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote;

Or otherwise defraud him of his vote, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall, if a judge of election, clerk or other officer of election, be punished with imprisonment in the penitentiary for not less than one nor more than five years. And if not such judge, clerk or other officer of election, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**CONVICTS—PENALTY.]** Section 35. If any person who shall have been convicted of bribery, felony or other infamous crime under the laws of any state, and who has never received a pardon for such

offense from the officer or board entitled to grant such pardon, shall thereafter vote, or offer to vote, at any primary election in such city, village or incorporated town, he shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**DISOBEYING COMMAND OF JUDGE—PENALTY.]** Section 36. If any person shall wilfully disobey any lawful command of any judge of election, given in the execution of his or their duty as such, at any such primary election, he shall, upon conviction, thereof, be adjudged guilty of a misdemeanor under this act.

**DISORDERLY CONDUCT—PENALTY.]** Section 37. If, on any day of primary election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or be guilty of any disorderly violence, or threats of violence, whereby any such election or canvass shall be impeded or hindered;

Or whereby the lawful proceedings of any judge of election or clerk, or other officer of such election, or challenger or person designated to be present at the canvass of any ballots as hereinbefore provided, are interfered with, every such person shall, upon conviction thereof, be guilty of a misdemeanor under this act.

**OTHER OFFENCES—PENALTY.]** Section 38. If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise, interfere with any judge of election, clerk, challenger or person designated, as provided in this act to be present at the canvass of any ballots, in the performance of any duty required of him, or which he may be by law authorized or permitted to perform;

Or if any person, by any of the means before mentioned or otherwise unlawfully shall, on the day of election, hinder or prevent any judge of primary election, clerk, challenger, or person designated, as provided in this act to be present at the canvass of ballots, in his free attendance and presence at the place of election in the primary election district, in and for which he is appointed or designated to serve;

Or in his full and free access and egress to and from any such place of election;

Or to and from any room where such primary election, or canvass of votes, or making of any returns or certificates thereof, may be had;

Or shall molest, interfere with, remove or eject from any such place of election, or of canvassing ballots cast thereat, or of making returns or certificates thereof, any such judge of election, clerk, challenger, or person permitted by this act to be present at any polling place, except as otherwise provided in this act, or shall unlawfully threaten or attempt to offer so to do;

Every such person shall be guilty of a misdemeanor under this act.

**DESTROYING, CARRYING AWAY BALLOT BOX, POLL LISTS, ETC.—PENALTY.]** Section 39. If any person shall conceal or wilfully break or destroy any ballot box, used or intended to be used, at such election;

Or shall wilfully or fraudulently conceal, secrete or remove any such box or poll list used at such election;

Or any report, return, certificate or other evidence in this act required, he shall, on conviction thereof, be adjudged guilty of a felony, and shall, for each and every such offense, be punished by imprisonment in a State penitentiary for not less than one nor more than five years.

**CERTAIN ACTS OF JUDGES AND CLERKS DECLARED MISDEMEANORS.]** Section 40. If at any election any judge of election or clerk shall, knowingly or wilfully, receive any vote or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all the judges of election are present and concur;

He shall be guilty of a misdemeanor under this act.

**NO JUDGE TO ABSENT HIMSELF FROM POLLS.]** Section 41. If any judge of primary election shall, without urgent necessity, absent himself from the place of the polls in said primary district upon any day of election, whereby less than a majority of all the judges in such election district shall be present during such hours of election or canvass of ballots;

He shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

**LIQUOR IN POLLING PLACES PROHIBITED.]** Section 42. Whoever, during the hours of election or during the hours of the canvass of votes, or of making return thereof, shall bring, take, order or send into, or shall attempt to bring, take, or send into, any place of election any distilled or spirituous liquors whatever; or shall, at any such time and place, drink or partake of such liquor, shall be deemed and held to be guilty of a misdemeanor under this act.

**ILLEGAL VOTING—PENALTY.]** Section 43. Any person who votes with a certain party at such primary election when he knows he is not qualified so to vote under the provisions of this act shall, on conviction thereof, be deemed guilty of a felony and be punished by imprisonment in the penitentiary for not less than two nor more than five years.

**WAITING IN LINE OF VOTERS; WHEN A MISDEMEANOR—PENALTY.]** Section 44. If any person, knowing that he is not qualified to vote at such primary election, takes a place in any line of voters waiting to vote at such election, or, after having voted at such election, or after having voted at such election, takes a place in such waiting line, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act, and shall be punished as provided for misdemeanors under this act.

**CERTAIN ACTS OF JUDGES DECLARED FELONIES—PENALTY.]** Section 45. If any judge shall wilfully, and without lawful excuse, refuse to make out, sign and deliver to the person entitled thereto any



certificate of election as delegate or alternate delegate provided for in this act, or shall knowingly make out, sign and issue such certificate of election to any person not entitled thereto, or shall issue such certificate of election to any person at any time in advance of the official count of the votes at such polling place, or shall subscribe to any false statement or writing required under the provisions of this act, or which is incidental and material to any such provisions, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**OBTAINING FALSE CERTIFICATE—PENALTY.]** Section 46. Any person who shall seek and obtain for himself or another such false certificate of election as delegate or alternate delegate to any convention, knowing that he or such other person is not entitled thereto, and any person who shall use or attempt to use such certificate of election, knowing the same to be false or fraudulent, or to have been issued for another person; and any person who shall knowingly and without right act as a delegate or alternate delegate to any such convention, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**REFUSING OR NEGLECTING TO CANVASS VOTES—PENALTY.]** Section 47. If any judge or clerk shall neglect or refuse to canvass the votes at the time and manner provided in this act, and to report and make the returns required in this act, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

**OTHER MISDEMEANORS—PENALTIES.]** Section 48. If any person other than a judge (see § 28, 29), shall commit any act prohibited herein, or refrain from doing any act required to be done herein, or if any person shall in any manner be guilty of any violation of this act for which no punishment is herein especially provided, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be fined not less than fifty (50) nor more than five hundred dollars (\$500), or imprisoned in the county jail not less than one month nor more than one year, or he may be punished by both such fine and imprisonment. Any offense in this act designated a misdemeanor, and for which no penalty is specifically provided, shall be punished as provided in this section.

**HOUSEHOLDER DEFINED.]** Section 49. The word "householder" as used in this act shall mean the chief or head of a family, who resides with a family as a family, and who supports and provides for such family as an independent family.

**PROSECUTIONS—CONTESTS.]** Section 50. In all prosecutions and in all contests under this act it shall be the lawful duty of the clerk of the county, or of the board of election commissioners or other officers having the custody thereof, to produce, open, exhibit and offer in evidence any

notice, ballot book, registry book, bundle of ballots, returns, statements or other documents or papers relating to the particular prosecution or contest for the purpose of enabling a full investigation.

**IRREGULARITIES NO DEFENSE—INDICTMENTS—JUDICIAL NOTICE.]** Section 51. Irregularities or defects in the mode of calling, noticing, convening, holding or conducting any primary election authorized by law shall constitute no defense to a prosecution for a violation of this act. When an offense shall be committed in regulation [relation] to any primary election, an indictment for such offense shall be sufficient if it allege that such election was authorized by law, without stating the call or notice of election aforesaid, the names of the judges or clerks holding such election, or the names of the persons voted for at such election. Judicial notice shall be taken of this act in any county, city, village or incorporated town to which this act shall apply, and of the holding of any election thereunder on any primary election day.

**ACT OF 1889—WHEN INOPERATIVE.]** Section 52. In counties, cities, villages or incorporated towns to which this act shall apply as hereinafter provided, the act entitled "An act to regulate primary elections of voluntary political associations, and to punish frauds therein," approved June 6, 1889, and in force July 1, 1889, is hereby declared to be, and the same is and shall be, inoperative and of no force and effect.

**HOW THIS ACT MAY BE ADOPTED—IN FORCE IN COUNTIES OF 125,000.]** Section 53. The electors of any county, city, village or incorporated town now existing or hereafter existing in this State may adopt and become entitled to the benefit of this act in the following manner:

Whenever one thousand of the legal voters of such county, city, village or incorporated town voting at the last preceding election shall petition the judge of the county court of such county to submit to a vote of the electors of said county, city, village or incorporated town, respectively, the proposition as to whether such county, city, village or incorporated town, respectively, and the electors thereof shall adopt and become entitled to the benefits of this act, it shall be the duty of such county court and the judge thereof to submit such proposition accordingly at the next succeeding general State or county election, and if such proposition is not adopted at such election the same shall, in like manner, be submitted to a vote of the electors of such county, city, village or incorporated town by such county court and the judge thereof, upon like application, at any general, State or county election thereafter, and an order shall be entered of record in said county court submitting the proposition as aforesaid. If one thousand shall exceed one-eighth of the legal voters of such county, city, village or incorporated towns, respectively, voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such county, city, village or incorporated town voting at the last preceding election.

The judge of said county court shall give at least ten days' notice of election at which such proposition is to be submitted by publish-

ing such notice in one or more newspapers published in the county for at least five times, the first publication to be at least ten days before the day of the election, and if no newspaper is published in said county, then by posting at least twenty-five copies of such notice in twenty-five of the most prominent places in such county, city, village or incorporated town, respectively, at least ten days before such election. Such election shall be held under the election law in force in such county, except as herein otherwise provided. The proposition so to be voted for shall be on a separate ballot, in plain prominent type, and shall be prepared and provided for that purpose in the same manner as other ballots, and shall be substantially in the following form:

For adoption of the act for primary elections of Yes.  
political parties . . . . . No.

If a majority of the votes cast upon such proposition shall be voted for such proposition, this act shall thereby be adopted by such county, city, village or incorporated town, respectively, and the judge of the county court of the county shall thereupon enter of record an order declaring this act in force in such county, city, village or incorporated town, respectively.

*Provided*, That in counties of 125,000 inhabitants or more this act shall be in full force and effect without submitting the question of its adoption to a vote of the people.

EMERGENCY.] Section 54. WHEREAS, An emergency exists, therefore this act shall take effect from and after its passage.

APPROVED February 10, 1898.



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# FORMS

PREPARED BY THE SECRETARY OF STATE

*In conformity with the provisions of the  
Statutes.*

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[To be filed with the Secretary of State not less than 30 days before the election.]

# STATE OF ILLINOIS.

## CERTIFICATE OF NOMINATION FOR STATE OFFICES.

To the Secretary of State, Springfield, Illinois:

We, the undersigned, in accordance with the law relating thereto, do hereby certify that at a convention of delegates representing the ..... party, held in the city of ....., county of ....., and State of Illinois, on the ..... day of ....., A. D. 189..., the following nominations were made for the offices herein designated, viz.:

Office to be Filled.	Name of Candidate.	Party.	Residence. (Street and No. if any.)
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

.....  
of ..... Illinois,  
*Secretary of the Convention.*

.....  
of ..... Illinois,  
*Chairman of the Convention.*

Personally appeared before me this ..... day of ....., A. D. 189..., ..... and ....., whose names are subscribed to the above certificate, who, being duly sworn, on their oath, say that they severally subscribed the same as chairman and secretary respectively of the convention aforesaid, and that the same is true to the best of their knowledge and belief.

[Imp. of Seal.]

*Notary Public.*

We also certify that at the last preceding general election in the State, the entire vote cast was ....., of which the ..... party polled ..... votes, being more than 2 per cent. of the entire vote cast at said election.

.....  
*Secretary.*

.....  
*Chairman.*

*[To be filed with the County Clerk not less than 30 days before the day of election.]*

## STATE OF ILLINOIS.

**CERTIFICATE OF NOMINATION FOR COUNTY OFFICES.**

*To the County Clerk of.....County,.....Illinois:*

We, the undersigned, in accordance with the law relating thereto, do hereby certify that at a convention of delegates representing the ..... party, in the county of ....., State of Illinois, held in the ..... of ....., county of ....., and State of Illinois, on the ..... day of ....., A. D. 189.., the following nominations were made for the offices herein designated, viz.: .

Office to be Filled.	Name of Candidate.	Party.	Residence. (Street and No., if any.)
----------------------	--------------------	--------	---

[illegible]

of . . . . ., Illinois.

of . . . . ., Illinois

*Secretary of the Convention.*

*Chairman of the Convention.*

Personally appeared before me this..... day of.....  
A. D., 189.., ..... and ..... whose  
names are subscribed to the above certificate, who, being duly sworn, on  
their oath, say that they severally subscribed the same as chairman and secre-  
tary respectively of the convention aforesaid, and that the same is true to  
the best of their knowledge and belief.

[Imp. of Seal.]

*Notary Public.*

We also certify that, at the last preceding general election in said county, the entire vote cast was....., of which the..... party polled.....votes, being more than 2 per cent. of the entire vote cast at said election.

*Secretary.*

*Chairman.*

## CERTIFICATE OF NOMINATION FOR DISTRICT OFFICES.

We, the undersigned, in accordance with the law relating thereto, do certify that a convention of delegates representing the ..... party in the ..... district, State of Illinois, held in the ..... of ..... county of ..... and State of Illinois, on the ..... day of ..... A. D. 189., the following nominations were made for the offices herein designated, viz.:

[illegible]

Personally appeared before me this.....day of....., A. D. 189., .....and....., whose names are subscribed to the above certificate, who, being duly sworn, on their oath, say that they severally subscribed the same as chairman and secretary respectively of the convention aforesaid, and that the same is true to the best of their knowledge and belief.

**Notary Public.**

....., Secretary. ...., Chairman.



[To be filed with the city, town or village clerk at least 15 days before the election.]

STATE OF ILLINOIS.

CERTIFICATE OF NOMINATION FOR CITY, TOWN AND VILLAGE OFFICES.

To the..... Clerk..... of..... Illinois:

We, the undersigned, in accordance with the law relating thereto, do hereby certify that at a..... representing the..... party in the..... of....., county of....., and State of Illinois, in....., and held for that purpose in the..... of....., county of..... and State of Illinois, on the..... day of....., A. D. 189..., the following nominations were made for the offices herein designated, viz.:

Office to be Filled.	Name of Candidate.	Party.	Residence. (Street and No. if any.)
----------------------	--------------------	--------	--


of..... Illinois.

Secretary of the Convention.

of..... Illinois.

Chairman of the Convention.

Personally appeared before me this..... day of....., A. D. 189..., ....., and..... whose names are subscribed to the above certificate, who, being duly sworn, on their oath, say that they severally subscribed the same as chairman and secretary respectively of the..... aforesaid, and that the same is true to the best of their knowledge and belief.

[Imp. of Seal.]

Notary Public.

We also certify that at the last preceding general election in said..... the entire vote cast was....., of which the..... party polled..... votes, being more than 2 per cent. of the entire vote cast in said..... at said election.

Secretary.

Chairman.

[To be filed with the Secretary of State or proper clerk forthwith.]

# STATE OF ILLINOIS.

## CERTIFICATE OF NOMINATION TO FILL VACANCIES.

To the ..... Illinois:

We, the undersigned, in accordance with the law relating thereto, do hereby certify, that, at a convention of delegates representing the ..... party, (which said ..... party polled more than 2 per cent. of the entire vote cast at the last preceding election) held in the city of ..... county of ..... and State of Illinois, on the ..... day of ..... A. D. 189....., among others, ..... residing in ..... in the ..... of ..... county of ..... and State aforesaid, was nominated for the office of .....; that on the ..... day of ..... A. D. 189....., the said ..... thereby causing a vacancy in the nomination for said office, and that in accordance with the provisions of law relating thereto, nominations have been made for the filling of said vacancy, as follows, viz.:

Office to be filled .....  
Name of candidate .....  
Party .....  
Residence .....

[One of the three following forms for certificate to be used, as the case may require.]

We further certify, that said nomination was made by a convention of delegates representing the said ..... party, duly called, and held in the ..... of ..... county of ..... and State of Illinois, on the ..... day of ..... A. D. 189....., for the purpose of filling such vacancy.

We further certify, that the time within which a convention of delegates representing said ..... party might be called and held, for the purpose of filling such vacancy, being insufficient, this nomination, for the purpose of filling the aforesaid vacancy, is made pursuant to the manner following, provided by the convention or caucus first mentioned, that is to say,

We further certify, that the time within which a convention of delegates representing said ..... party might be called and held, for the purpose of filling such vacancy, being insufficient, and the convention having made no provision therefor, the subscribers, being the regularly elected (general or) executive committee representing such party, have designated the person above named as the candidate of said party for the office herein mentioned.

..... of ..... Illinois.      of ..... Illinois,  
Secretary of Committee.      Chairman of Committee.

Personally appeared before me, this ..... day of ..... A. D. 189..... and ..... whose name ..... subscribed to the above certificate, who being duly sworn, on ..... oath say, that they severally subscribed the same as ..... and that the same is true, to the best of ..... knowledge and belief.

[Imp. of Seal.]

Notary Public.



[ *Form of receipts for ballots delivered by clerk. See Article VII, Section 4.* ]

....., 189..

RECEIVED OF..... Clerk  
 of.....  
 ..... packages of ..... ballots  
 each, total..... for use at an election to be held  
 at..... on the.....  
 day of....., 189..

..... }  
 ..... } *Judges.*  
 .....

[ *Form of receipt for ballots returned by judges. See Section 26.* ]

....., 189..

RECEIVED OF..... }  
 ..... } *Judges of Election.*  
 .....

..... ballots not voted and..... ballots  
 spoiled, being the number remaining after closing the polls at an election  
 held at..... on the.....  
 day of....., 189..

No. ballots voted, — — .....

“ “ spoiled, — — ..... *Clerk*

“ “ not voted, — ..... *of* .....

Total, — — — .....

[Form for page for record of ballots delivered to be kept by clerks.—See  
Article X, Section 10.]

# RECORD OF BALLOTS DELIVERED BY CLERKS.

To whom delivered.	Name of polling place.	No. deliv- ered.	Time deliv- ered.	No. not voted.	No. spoiled.	No. returned.	Time returned.	By whom returned.
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# INDEX TO ELECTION LAWS.

## GENERAL ELECTIONS.

<b>AFFIDAVITS:</b>		<b>CANDIDATES:</b>	
Of voter.....	33	Death—declination, etc.....	25
Of witness.....	38	Nomination of.....	22
<b>AMENDMENTS:</b>		To fill vacancy.....	26
Constitutional, voting on.....	30	Withdrawal, vacancy, etc.....	24
<b>APPORTIONMENT:</b>		<b>CANVASS OF BALLOTS:</b>	
Congressional.....	55	How made, proclamation, etc.....	38
Judicial—		<b>CANVASS OF RETURNS:</b>	
Circuit courts.....	61	How made by county clerk.....	40
Supreme Court.....	60	How made by Secretary of State.....	41
Representative and Senatorial.....	3, 57	Proclamation by Governor.....	41
<b>ATTORNEY GENERAL:</b>		<b>CERTIFICATES:</b>	
Election, term, residence, duties.....	4, 11	Of Election—	
<b>AUDITOR OF PUBLIC ACCOUNTS:</b>		Issued by county clerk.....	40
Election, term, residence, duties.....	4, 11	Issued by Governor.....	41
<b>BALLOT:</b>		Of Nomination—	
All votes by.....	9	Blanks—	
Forms of.....	29, 30	For city, town or village office.....	99
<b>BALLOT BOXES:</b>		For county office.....	97
County board to provide.....	31	For district office.....	96
Publicly exhibited, locked, keys to.....	35	For State office.....	96
<b>BALLOTS:</b>		For vacancies to be filled.....	100
Blank form of receipt for.....	102	Objections to, how decided.....	25
Canvass and disposition of.....	38	Where filed.....	24
Cumulative—how voted.....	37	Withdrawal, vacancy, etc.....	24
Form of—how printed and by whom.....	29	<b>CHALLENGERS:</b>	
Form of, for women—how deposited.....	34	Two allowed for each party.....	40
Manner of preparing.....	36	<b>CLERKS:</b>	
Manner of voting.....	35	General provisions concerning election	
Pusters on.....	26	of.....	13
Printed at public expense.....	27	City, Village or Town—	
Record of ballots delivered.....	103	Charged with printing and distribu-	
Specimen to be posted.....	30	tion of ballots.....	29
Spoiled and not counted.....	37	County—	
To be counted in contest.....	46	Blank form of receipt for ballots.....	102
Unlawful exhibition of.....	49	Duty in canvassing returns.....	40
What to contain.....	28	Duty in case of tie vote.....	41
<b>BOARD OF EQUALIZATION:</b>		Election, term, etc.....	13
Election of members, term, etc.....	11	Have charge of printing ballots, etc.....	29
<b>BOARD OF REGISTRATION:</b>		Issues certificate of election.....	40
Compensation of members.....	22	Makes returns to Secretary of State.....	41
Meetings, duties, etc.....	18	Neglect of duty.....	51
Offenses and penalties.....	51	Record of ballots delivered.....	106
<b>BOOTHs:</b>		To furnish blanks, poll books, etc.....	31
Description, number, stationery for.....	31	<b>Of Courts—</b>	
		Appellate, election, term, etc.....	13
		Circuit, election, term, etc.....	13
		City, election, term, etc.....	14
		Cook county, election, term, etc.....	6

## Index—Continued.

**CLERKS—Concluded.**

<b>Of Courts—Concluded.</b>	
Criminal, election, term, etc.	13
Probate, election, term, etc.	13
Superior, election, term, etc.	13
Supreme, election, term, etc.	5, 13

<b>Of Election—</b>	
Appointment, oath, etc.	18
Compensation.	22
Offenses and penalties.	50

**COMMISSIONERS:**

<b>County—</b>	
Cook county, election, term, etc.	6, 15
Election, term, etc.	6, 15

<b>Of Elections—</b>	
Charged with printing and distribution of ballots.	29

**COMPENSATION:**

Of election officers	22
----------------------	----

**CONGRESS:**

Apportionment for	55
Election of members of	11

**CONSTABLES:**

Appointment by county board or judges	18
Election of	5
Special, compensation.	18, 22
Suppressing riots, arrests.	18

**CONTESTS:**

Who may contest, notices, etc.	42
Who may hear and determine, depositions, etc.	42

**CONVICTS:**

Disqualified to vote.	34
-----------------------	----

**CORONER:**

Election, term, etc.	14
----------------------	----

**COURTS:**

<b>Appellate—</b>	
Election of clerk, term, etc.	13

<b>Circuit—</b>	
Apportionment, election, of judges.	61
Clerks—election, term, etc.	13
Cook county one circuit.	5
Judges—election, term, etc.	5, 12

<b>City—</b>	
Clerks—election, term, etc.	14
Judges—election, term, etc.	13

<b>County—</b>	
Clerks—election, term, etc.	13
Judges—election, term, etc.	12

<b>Criminal, Cook County—</b>	
Clerk—election, term, etc.	13

<b>Probate—</b>	
Clerk—election, term, etc.	13
Judges—election, term, etc.	13

<b>Superior—</b>	
Clerk—election, term, etc.	13
Judges—election, term, etc.	5, 12

<b>Supreme—</b>	
Apportionment	60
Chief Justice—election, term, etc.	4
Clerks—election, term, etc.	5, 13
Judges—election, term, etc.	12

—8 E.

**CUMULATIVE VOTES:**

How voted.	30, 37
------------	--------

**ELECTIONS:**

Contesting, notices, depositions, etc.	42
Manner of conducting	35
No adjournment or recess	35
Primary—see "Primary Elections."	107
Proclamation on opening and closing polls	35
Returns, canvass of	40, 41
Time polls kept open.	35

**ELECTION PRECINCTS:**

Change, division, etc.	15
------------------------	----

**ELECTORS OF PRESIDENT AND VICE-PRESIDENT:**

Election, certificates, returns, meeting, etc.	10
--	----

**ELIGIBILITY:**

Constitutional provisions concerning.	6
---------------------------------------	---

**GENERAL ASSEMBLY:**

Election of members.	3, 6
----------------------	------

**GOVERNOR:**

Election, term, residence, duties, etc.	4, 11
Issues certificates of election.	10, 41
Present during canvass of returns.	41
Proclamation of, concerning result of canvass.	41

**GOVERNOR, LIEUTENANT:**

Election, term, residence, duties.	4, 11
------------------------------------	-------

**INSTRUCTIONS TO VOTERS:**

Election officers to print and post.	30
--------------------------------------	----

**JUDGES:**

General provisions concerning election of.	12
--	----

<b>Of Circuit Courts—</b>	
Election, term, etc.	5, 12, 61

<b>Of City Courts—</b>	
Election, term, etc.	13

<b>Of County Courts—</b>	
Election, term, etc.	12

<b>Of Elections—</b>	
Appointment, qualifications, etc.	16
Blank form of receipt for ballots.	102
Compensation.	22
Offenses and penalties.	50
To allow challengers.	40
To keep ballots boxes.	31
To post specimen ballots, etc.	30

<b>Of Probate Courts—</b>	
Election, term, etc.	13

<b>Of Superior Courts—</b>	
Additional judges.	5
Election, term, etc.	12

<b>Of Supreme Court—</b>	
Election, term, etc.	4, 12

**JUSTICE:**

Chief, Supreme Court, election, term.	4
---------------------------------------	---

**JUSTICES AND CONSTABLES:**

Election, term, jurisdiction, etc.	5, 15
------------------------------------	-------

**LIQUOR:**

Offenses and penalties regarding.	46
-----------------------------------	----

## Index—Continued.

<b>MEMBERS OF CONGRESS:</b>		<b>QUALIFICATIONS:</b>	
Apportionment .....	55	Of clerks of elections .....	18
Election, term, etc. ....	11	Of electors .....	32
<b>MINORITY REPRESENTATION:</b>		Of inmates of charitable institutions .....	32
Constitutional provisions concerning ..	3	Of judges of elections .....	17
<b>MUNICIPAL OFFICERS:</b>		Of public officers .....	6
Eligibility, salary, etc. ....	8	Of witness .....	33
<b>NOMINATIONS:</b>		Of women .....	34
Blanks for certificates of .....	96-101	<b>RECORDER OF DEEDS:</b>	
Caucus nominations, requisites .....	23	Election, term, etc. ....	14
Nomination papers, signatures, etc. ....	23	<b>REGISTER:</b>	
Secretary of State to certify .....	26	Blanks furnished by Secretary of State .....	22
To fill vacancy .....	26	Checking list of voters .....	35
<b>NOTICES:</b>		Corrections, revisions .....	20
Manner of giving election notices .....	27	Exceptions in making .....	22
Secretary of State to certify nomina-		Filing, delivery, voting by, etc. ....	21
tions .....	26	Manner of making .....	18
<b>OATHS:</b>		Open to inspection .....	21
Of challenged voter and witness .....	33	Women may register .....	34
Of judges and clerks of election .....	18	<b>REGISTRATION:</b>	
<b>OFFENSES AND PENALTIES:</b>		Board of—	
By election officers .....	50	Compensation .....	22
By other persons .....	46	Meetings, register, etc. ....	18
<b>OFFICERS:</b>		Offenses and penalties .....	51
County—		Exceptions in making register .....	22
Election, term, etc. ....	8, 14	Fraudulent—false swearing, etc. ....	46
Election—		<b>REPRESENTATIVES IN CONGRESS:</b>	
Appointment, qualifications .....	16	Apportionment for .....	55
Compensation of .....	22	Election, term, etc. ....	11
To post specimen ballots .....	30	<b>REPRESENTATIVES, STATE:</b>	
Municipal—		Apportionment .....	57
Eligibility, salary, etc. ....	8	Election, terms, number .....	3, 12
Public—		<b>RESIGNATIONS AND VACANCIES:</b>	
Eligibility to office .....	6	Constitutional provisions .....	
Offenses and penalties .....	51	Resignations, how made .....	52
State—		Vacancies, how declared and filled .....	52
Blank certificate of nomination for .....	96	Who may determine vacancies .....	52
Election, term, residence, duties .....	4, 11	<b>RETURNS OF ELECTION:</b>	
Returns of election .....	4	Electors of President and Vice Presi-	
<b>PRECINCTS, ELECTION:</b>		dent .....	10
Change of, division, etc. ....	15	How made to county clerk, form, and	
<b>POLL BOOKS:</b>		canvass .....	39
County clerk to provide .....	31	How made for State officers .....	4, 41
How kept .....	35	<b>SECRETARY OF STATE:</b>	
<b>POLL LISTS:</b>		Election, term, residence, duties .....	4, 11
Manner of making and revising .....	18	To canvass returns .....	41
Where filed .....	21	To decide by lot in case of tie .....	41
<b>POLLS:</b>		<b>SENATORS, STATE:</b>	
Electioneering at, prohibited .....	49	Apportionment for .....	57
No adjournment or recess .....	35	Election, term, number .....	3, 12
Time kept open .....	35	<b>SHERIFF:</b>	
<b>PRIMARIES:</b>		Election, term, etc. ....	14
See "Primary Elections." .....	107	To post notices of election .....	27
<b>PROCLAMATIONS:</b>		<b>STATE'S ATTORNEY:</b>	
On opening and closing polls .....	35	Election, term, etc. ....	5, 14
		<b>SUFFRAGE:</b>	
		Constitutional provisions .....	
		<b>SUPERINTENDENT, COUNTY:</b>	
		Constitutional provisions .....	6
		Election, term, etc. ....	14



*Index—Continued.*

<b>SUPERINTENDENT OF PUBLIC INSTRUCTION:</b>	
Election, term, residence, duties .....	4, 11
<b>SUPERVISOR:</b>	
Refusal or neglect of duty .....	51
To post notices of election .....	27
<b>SURVEYOR:</b>	
Election, term, etc. ....	14
<b>TIE VOTE:</b>	
Duty of county clerk in case of .....	41
Duty of Secretary of State in case of ..	41
<b>TREASURER, COUNTY:</b>	
Election, term, etc. ....	14
<b>TREASURER, STATE:</b>	
Election, term, residence, duties .....	3, 7, 11
<b>TRUSTEES OF UNIVERSITY OF ILLINOIS:</b>	
Election, term etc. ....	11

<b>VACANCIES:</b>	
See "Resignations and Vacancies."	
<b>VOTERS:</b>	
Assistance, when and how given .....	37
Cumulative votes, how voted .....	37
Entitled to two hours; to give notice ..	34-45
Inmates of Charitable Institutions .....	32
Instructions to, printed cards, etc .....	30
Manner of voting .....	35
Offenses and penalties .....	46
Privileged from arrest and military duty ..	9
Qualifications and other provisions .....	9, 32
<b>WITNESS:</b>	
Affidavit of .....	33
Offenses and penalties .....	46
<b>WOMEN:</b>	
May vote for school officers; must register ..	34

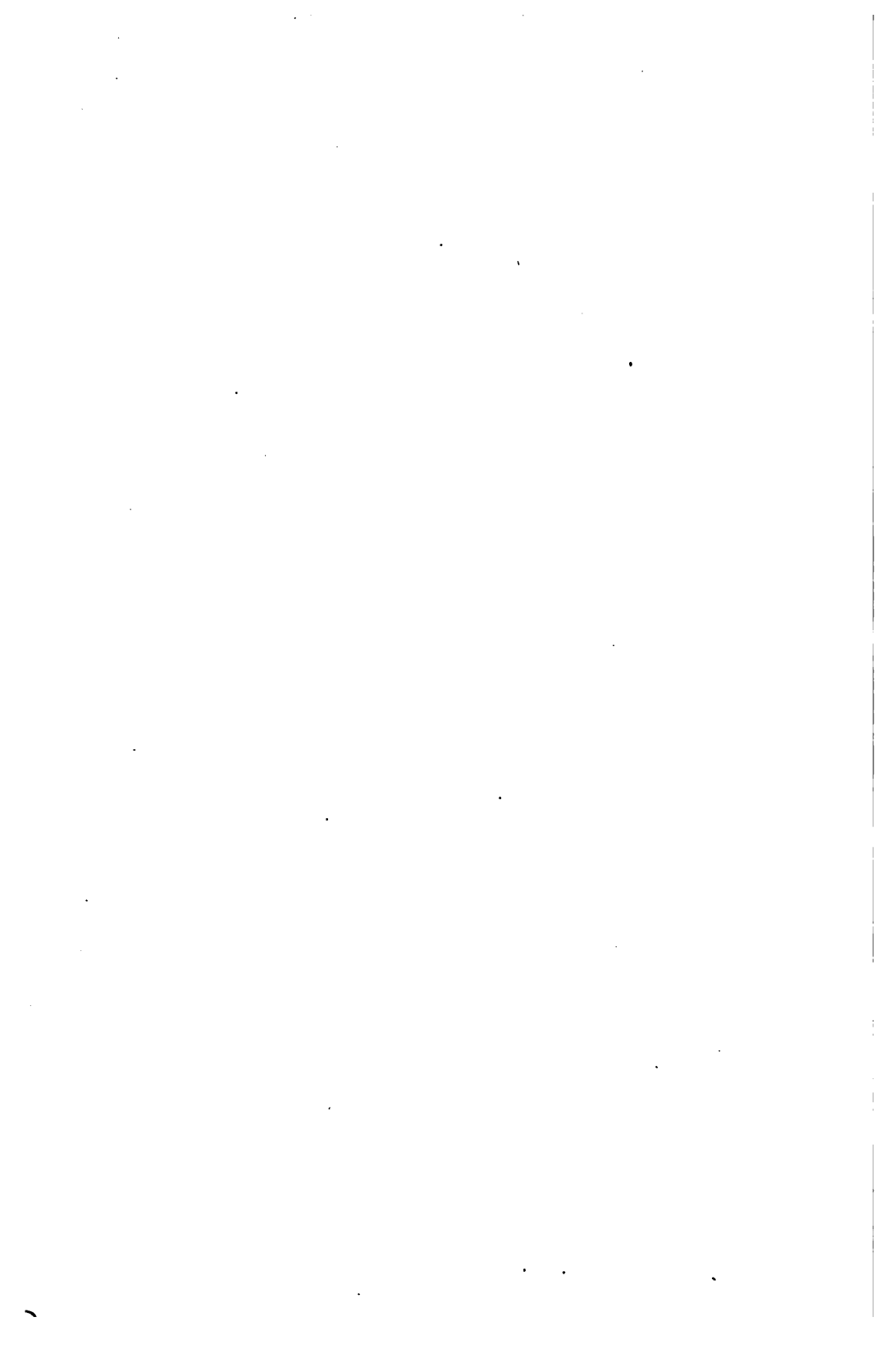
**PRIMARY ELECTIONS.**

<b>ELECTIONS OF VOLUNTARY ASSOCIATIONS:</b>	
Adoption—	
When and how held under this act ..	62
Ballot Boxes—	
How kept .....	68
Ballots—	
How printed .....	68
Destruction of .....	70
Canvass of Votes—	
How made .....	69
Certificates of Election—	
Issued by judges .....	70
Challengers—	
One for each adverse interest .....	65
Clerks—	
See "Judges and Clerks."	
Commissioners—	
To furnish lists .....	64
Committee—	
To divide district .....	65
To give time and place of election ..	63
Judges and Clerks—	
Conduct canvass .....	69
Oath, duties, offenses, penalties .....	64, 70
To hear objections, administer oaths ..	65
To issue certificates of election .....	70
To keep lists, admit challengers .....	67
To sign lists .....	70
Lists—	
Form of .....	67
How made .....	64, 69
To be filed with county clerk .....	70
Notices—	
What to contain, how made .....	63
Oaths—	
Administration of .....	64, 68
Offenses and Penalties—	
By voters, officers and other persons ..	66, 70

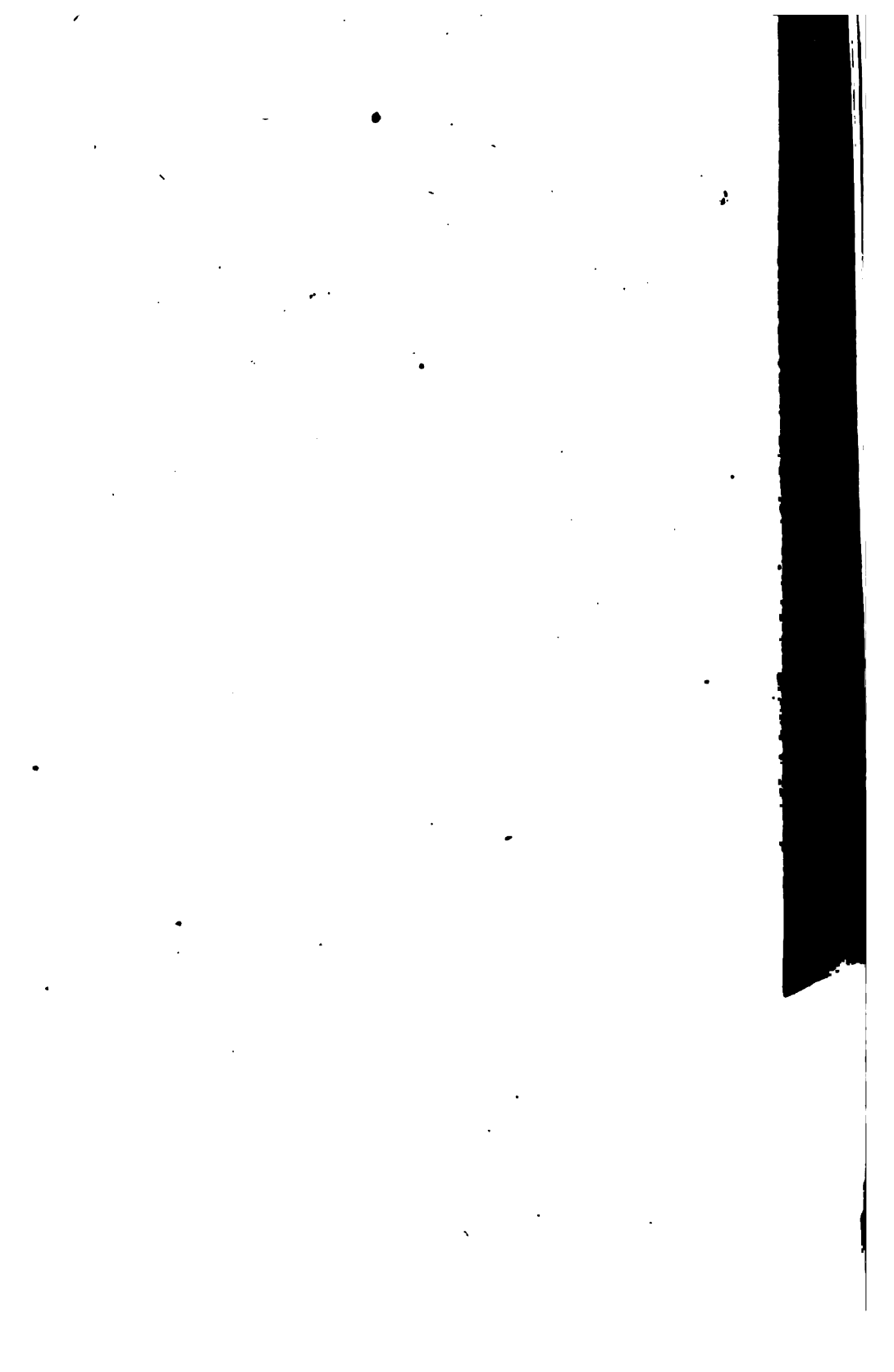
<b>ELECTIONS OF VOLUNTARY ASSOCIATIONS—Concluded.</b>	
Polls—	
Closing by proclamation .....	69
Time and place of holding .....	63
Voters—	
Fraudulent voting—bribery—penalties ..	66, 70
Number in district .....	65
Penalty for illegal voting .....	64
Registered—challenge—penalty .....	65
Who may vote .....	64, 67
<b>ELECTIONS IN COUNTIES OF 125,000 OR OVER:</b>	
Adoption—	
How adopted—where in force .....	92
Laws in force—expenses, how paid ..	75
Ballot Boxes—	
Must be in view of public .....	79
Penalty for carrying away .....	90
Ballots—	
Canvass of .....	82
Voting to be by, form of .....	78
Call—	
How made, filing, etc .....	73
Canvass of Votes—	
How made, returns .....	83
Penalties in making false canvass ..	86
Refusing or neglecting to make .....	91
Certificates of Election—	
Judges and clerks to issue .....	85
Obtaining false certificates .....	91
Challengers—	
Number and privileges .....	82
Clerks—	
See "Judges and Clerks."	
Committee, Central—	
Appointment of judges and clerks ...	73
Making a call or application .....	73











ILLINOIS  
PRIMARY  
ELECTION  
LAWS ☐

IN FORCE  
JULY 4, 1910

*Comptroller of*  
*James M. Ross,*  
*Secretary of State*

PRIMARY ELECTION  
SEPTEMBER 15, 1910





# Illinois Primary Election Laws

IN FORCE  
JULY 1, 1910

## AN ACT

TO PROVIDE FOR THE HOLDING OF  
PRIMARY ELECTIONS BY  
POLITICAL PARTIES

## AN ACT

PROVIDE FOR THE HOLDING OF PRIM-  
ARY ELECTIONS BY POLITICAL PARTIES  
FOR THE NOMINATION OF MEMBERS  
OF THE GENERAL ASSEMBLY AND  
THE ELECTION OF SENA-  
TORIAL COMMITTEEMEN

PRIMARY ELECTION  
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ILLINOIS PRINTING CO., DANVILLE, ILL.  
1910

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AFIDAVIT—of voter and witness .....	
ALDERMEN—under minority representation .....	
BALLOT Box—care and custody .....	
what used .....	
BALLOTS—canvass of .....	
color, size, etc. ....	
defective, objected to, etc. ....	
delivery to judges, receipt .....	
extra for emergency .....	
for general election .....	
form, how endorsed, etc. ....	27
how marked .....	
how printed .....	
how voted and preserved .....	41
specimen .....	
BOARD OF ELECTION COMMISSIONERS—	
duties .....	46
BOOTHs—provisions concerning .....	
BRIBERY—term defined, penalty .....	
CANDIDATES—certificate of nomination of	
election .....	48
contests regulated .....	
independent nominations by petition .....	
names on ballot, order, etc. ....	19, 26
nominations by plurality vote .....	
petition, form, filing, etc. ....	
tie vote, how decided .....	
under minority representation .....	
vacancies filled by committee .....	
what nominated .....	
withdrawal (7) .....	
CANVASS OF BALLOTS—how conducted .....	
offenses and penalties .....	
CANVASS OF RETURNS—how conducted .....	
offenses and penalties .....	
CERTIFICATES—names to county clerk .....	26
of nomination and election .....	
to poll book .....	
CHALLENGERS—who to act .....	
CLERKS—canvass of returns .....	46
offenses and penalties .....	
primary, oath .....	
officers of county court .....	
payment .....	
who to act .....	
to announce color of ballots, etc. ....	
to give notice of primary .....	
to prepare ballots .....	26

	PAGE
COMMITTEES—election.....	1, 7, 69
precinct, blank on ballot for name.....	29, 41
to appoint challengers.....	16
senatorial.....	65
COMMITTEES—central or managing.....	7
composition, organization, powers, etc.....	7, 67
existing recognized.....	9, 69
vacancies filled by.....	52
CONVENTIONS—call, date, organization, etc.....	9-11
ATES—announcement of color of ballots, etc.....	27
certifying names to county clerk.....	26, 51, 70
deciding tie vote.....	49
delivery of ballots.....	30, 31
filing call for convention (e).....	11
filing contest notice and hearing.....	53
filing petition for nomination.....	24, 70
filing resolution under minority representation.....	12, 72
filing revocation of signature to petition.....	22
filing withdrawal of candidate (7).....	25, 70
holding conventions.....	9-11
holding regular and special primary.....	5, 52, 66
issuing certificate to nominee or commit- teeman.....	48, 74
issuing notice of primary.....	12, 52
making returns of primary.....	46, 74
meeting and organization of committee.....	7
posting specimen ballots.....	29
preserving ballots.....	42, 46, 74
DEFINITIONS—words and phases.....	2, 4, 57, 66
ELEGATES—how chosen.....	10
EXPENSES—payment.....	18
FORMS—affidavit of voter and witness.....	38
ballots.....	27, 45, 71
certificate to county clerk.....	26, 51, 70
contest petition.....	53
convention call.....	9
notice of election.....	12, 52
oath of judge and clerk.....	14
petition of candidate.....	20, 70
poll book.....	18, 45
tally sheet.....	19
JUDGES—oath.....	14
offenses and penalties.....	59-62
officers of county court.....	15
payment.....	16
to canvass ballots.....	42-46, 73
to fill vacancies.....	13
who to act.....	13, 14
QUORUM—offenses and penalties.....	55
MINORITY REPRESENTATION—alderman and representative.....	11, 65



NOMINATIONS—see "CANDIDATES"	P.
NOTICES—contest.....	12.
primary, regular and special.....	12.
OATH—judge and clerk.....	
OFFENSES AND PENALTIES—betting.....	
bribery.....	56
canvassing returns.....	61
clerks.....	60
disclosing how elector voted.....	
disorderly conduct.....	
electioneering near polls.....	
false swearing.....	23.
illegal voting.....	
judges.....	59
liquor selling, etc.....	
PERJURY—false swearing deemed.....	23.
PETITIONS—see "CANDIDATES"	
POLITICAL PARTY—existing committees (8).....	9.
term defined.....	2.
total vote, how determined.....	
POLL BOOKS—false entries.....	
form, certificate, etc.....	18.
POLLS—adjournment prohibited.....	
opening and closing.....	6.
place of holding.....	
REFRAL—acts of 1889, 1898, 1899 and 1908.....	
REPRESENTATIVE IN GENERAL ASSEMBLY—	
provisions concerning.....	
RETURNS OF ELECTION—how made and can-	
vassed.....	46.
SECRETARY OF STATE—certificate to county	
clerk.....	26, 51.
certificate to nominee or committeeman..	
SPECIAL ELECTION—provisions concerning..	
SUPPLIES—how furnished.....	
TALLY SHEETS—form.....	
TIE VOTE—how decided.....	
UNITED STATES SENATOR—petition, etc.....	
VACANCIES—committee to fill.....	
judges to fill.....	
special election, when necessary.....	
VOTER—affidavit of challenged.....	
assistance.....	
bribery, illegal voting, etc.....	56, 57.
leave of absence.....	
party affiliation to be stated.....	
qualifications.....	
revoking signature to petition.....	
WORDS AND PHRASES—how construed.....	2, 4, 57.

voted at the election to be held the first Tuesday after the first Monday in the month of November, A. D. 1910, as a candidate for any office, when provision is made herein for nominating candidates for such office except President and Vice President of the United States, unless such person shall have been nominated for such office under the provisions of this Act, and all nominations made prior to July 1, A. D. 1910, of candidates for any such office to be voted for at said election are hereby declared to have no effect and no nomination for any such office made prior to July 1, A. D. 1910, shall entitle any person, so nominated, to have his name placed upon the official ballot to be voted at said election.

Sec. 2. [POLITICAL PARTY DEFINED.] A political party, which at the general election for State and county officers then next preceding a primary, polled more than 2 per cent of the entire vote cast in the State, is hereby declared to be a political party within the State, and shall nominate all candidates provided for in this Act under the provisions hereof.

A political party, which at the general election for State and county officers then next preceding a primary, polled more than 2 per cent of the entire vote cast within any Congressional district is hereby declared to be a political party within the meaning of this Act, with such Congressional district, and shall nominate its candidates for Representative in Congress and for member of the State Board of Equalization within said district, under the provisions hereof.



Sec. 3. [PARTY VOTE-  
TERMINED.] In determinin  
vote of a political party, w  
quired by this Act, the test  
total vote cast by such po  
for its candidate who receive  
est number of votes.

Sec. 4. [WORDS AND PHRASES.]  
following words and phrases  
shall, unless the same be  
with the context, be const  
lows:

1. The word "primary,"  
election provided for in this

2. The word "election,"  
election, as distinguished fr  
election or a primary electi

3. The word "precinct,"  
trict heretofore or hereafter  
by law within which all q  
tors vote at one polling pla

4. The words "State  
"State officer," an office to  
an officer to be voted for,  
electors of the entire State.

5. The words "congress  
or "congressional officer,"  
tives in Congress and mem  
State Board of Equalization

6. The words "judicia  
"judicial officer," judges of  
and Circuit courts and ju  
Superior Court of Cook cou

7. The words "county  
"county officer," an office  
or an officer to be voted for,  
fied electors of the entire co  
bers of the board of assessors  
commissioners of Cook cour



A primary shall be held on the second Tuesday in April in any year in which judges of the Supreme Court, judges of the Circuit Court, and judges of the Superior Court of Cook county, or any of them, are to be elected at an election to be held on the first Monday of July of such year for the nomination of candidates for such offices respectively.

A primary shall be held on the second Tuesday in February in each year for the nomination of such officers as are to be voted for on the first Tuesday in April of such year.

A primary shall be held on the second Tuesday in March in each year for the nomination of such officers as are to be voted for on the Third Tuesday in April of such year.

A primary for the nomination for other officers, nominations for which are required to be made under the provisions of this Act, shall be held three weeks preceding the date of the general election for such offices respectively.

The polls shall be open from 6 o'clock a. m. to 5:00 o'clock p. m.

Sec. 7. [VOTER'S LEAVE OF ABSENCE.] Any person entitled to vote at such primary shall, on the day of such primary, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls and such primary elector shall not, because of so absenting himself, be liable any penalty nor shall any deduction be made on account of such absence from his usual salary or wages: *Provided, however,* that applications for such leave

the city of Springfield, and organize electing from among their number chairman and may at such time elect such other officers from among their own number or otherwise, as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, ten days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting.

(2) [PRECINCT COMMITTEEMAN.] At the September primary held in September, A. D. 1910, and at the April primary held every two years thereafter, each primary elector may write or attach in the space left on the primary ballot for that purpose the name of a qualified primary elector of his party for the precinct for member of his political party precinct committee. The one receiving the highest number of votes shall be such committeeman of such party for such precinct. In case of a tie the primary judges shall cast lots. The official returns of the primary judges shall state the name and address of the committeeman of each political party.

(3) [COUNTY CENTRAL COMMITTEE.] The county central committee of each political party shall consist of the members of the various precinct committees of such party in the county.

(4) [CONGRESSIONAL COMMITTEE.] The congressional committees of each political party shall be composed of the chairmen of the county central committees of the counties composing the congressional district, excepting those congressional districts wholly within

first Monday next succeeding the A  
primary, the county central commi  
of each political party shall meet at  
county seat of the proper county  
proceed to organize by electing f  
among its own number a chairman  
either from among its own number  
otherwise, such other officers as  
committee may deem necessary or  
pedient. Such meeting of the cou  
central committee shall be known as  
county convention. The county c  
vention of each political party s  
choose delegates to the Congressio  
and State convention of its party: *And, provided*, only precinct committeemen  
residing within the limits of a Cong  
sional district shall participate in  
selection of delegates to a Congressio  
convention: *And, provided, further*  
that in the county convention that e  
delegate to the county convention s  
have one vote and one additional v  
for each fifty or major fraction the  
of his party as cast in his precinct at  
last general election.

(b) [CONGRESSIONAL CONVENTION]  
All Congressional conventions shall  
be held on the first Wednesday after  
the first Monday next succeeding the A  
primary. The Congressional con  
vention of each political party shall h  
power to choose and select delegates  
alternate delegates to national nomi  
ing conventions, and to recommen  
the State convention of its party  
nomination of candidate or candid  
from such Congressional district  
elector or electors of President and V  
President of the United States.

(c) [STATE CONVENTIONS.] All S  
conventions shall be held on the f

Friday after the first Monday next succeeding the April primary. The State convention of each political party shall have power to make nominations of candidates for the electors of President and Vice President of the United States, and for trustees of the University of Illinois, and to adopt any party platform, and to choose and select in accordance with the rules and regulations of its party delegates and alternate delegates to national nominating conventions.

(d) [FUNCTIONS OF CONVENTION.] Each convention may perform all other functions inherent to such political organization and not inconsistent with this Act.

(e) [CALLS FOR CONVENTION—FILING—FORM.] At least thirty-three (33) days before the April primary the State and Congressional committee, respectively, of each political party shall file in the office of the county clerk in each county of the State, or in each county of the Congressional district, a call for the State and Congressional conventions. Said call shall state, among other things, the time and place (designating the building or hall) for holding the State and Congressional conventions, respectively, the total number of delegates which shall compose each of said conventions, and the call for State conventions shall state, among other things, the number of delegates to which each county is entitled in the State convention; and the call for the Congressional convention shall state, among other things, the number of delegates to which each county or political subdi-

vision of any county, as the case may be, is entitled to in the Congressional convention. Such call shall be signed by the chairman and attested by the secretary of the respective committees.

**Sec. 11. [ALDERMEN UNDER MINORITY REPRESENTATION.]** In cities which have adopted minority representation in the city council, the city central committee shall, at least thirty (30) days prior to the date of the primary election, resolution, fix and determine the number of candidates for alderman in each of the wards of their city to be nominated by their party at the primary for nomination of candidates for city officers.

A copy of said resolutions, duly certified by the chairman and attested by the secretary, shall, within two days thereafter, be filed in the office of the clerk.

In all primaries for the nomination of candidates for alderman under minority representation, each qualified minority elector may cast as many votes for one candidate as there are candidates to be nominated, or may distribute the same, or equal parts thereof, among the candidates for nomination as he may see fit, and the candidate for nomination highest in votes shall be declared nominated.

**Sec. 12. [NOTICE OF PRIMARY DUTY OF CLERKS.]** At least twenty days before each primary the clerk of each county, or the city, village or town or other clerk, whose duty it is to give notice of general elections under the general election laws of this State, shall give notice of officers whose names

nation is required to be made under the provisions of this Act, shall prepare in the manner provided in the general election laws of this State, a notice of such primary, which notice shall state the time and place of holding the primary, the hours during which the polls will be open, the offices for which candidates will be nominated at such primary and the political parties entitled to participate therein. Such notices shall be posted at least fifteen (15) days prior to the primary by the same authorities and in the same manner as notices of election under the general election laws are required to be posted.

Sec. 13. [JUDGES OF PRIMARY.] The judges of general elections for State and county officers, for city and village officers and for town and other municipal officers, are hereby constituted respectively the judges of primary elections in their respective precincts, under the provisions of this Act.

Sec. 14. [JUDGES HOLD OVER.] It is hereby made the duty of the respective judges of general elections to act as judges of primary elections in their respective precincts until their successors, as judges of general elections, are duly appointed and qualified.

Sec. 15. [JUDGES ABSENT, ETC.—VACANCIES.] If, at the time for opening of a primary, one of the primary judges be absent, or refuse to act, the judges present shall appoint some qualified primary elector of the precinct to act in his place. If two of the primary judges be absent or refuse to act, the judges present shall fill the vacancies in the same



manner, as above provided. If of the primary judges be able to refuse to act, the primary electors who reside in the precinct, three of their number to act as judges. The judges so appointed shall take the same oaths, have the same powers, and perform the same duties and be subject to the same liabilities as regularly constituted judges.

Sec. 16. [CLERKS OF PRIMARY JUDGES]—In cities having a board of election commissioners, shall select three of their number as primary electors of said precincts as primary clerks, who shall serve during the pleasure of the primary judges; but no more than one person of the same political party shall be chosen primary clerks in the same precinct.

In cities having a board of election commissioners, the regular primary clerks of election shall act as primary clerks in their respective precincts.

Sec. 17. [OATH OF JUDGES AND CLERKS—FORM—LIABILITY]—To any vote being taken, the judges and clerks shall severally subscribe and take an oath or affirmation in the following form, to-wit: "I do solemnly swear (or affirm, as the case may be), that I will faithfully and impartially execute the Constitution of the United States and will faithfully and honestly discharge the duties of primary judge (or clerk, as the case may be), and

the best of my ability, and that I have resided in this State for one year, in this county for ninety days, and in this precinct thirty days next preceding this primary, and am entitled to vote at this primary."

All persons subscribing the oath as aforesaid, and all persons actually serving as primary judges and clerks, whether sworn or not, shall be deemed to be and are hereby declared to be officers of the county court of their respective counties; and such persons shall be liable to punishment by such court in a proceeding for contempt for any misbehavior as such primary judges or clerks, to be tried in open court, on oral testimony, in a summary manner, without written pleadings, but such trial, or punishment for contempt of court, shall not be any bar to any criminal proceedings against such primary judges or clerks for any violation of this Act.

Sec. 18. [OATH OF JUDGES AND CLERKS—ADMINISTRATION.] In case there shall be no justice of the peace or notary public present at the opening of a primary, or in case such justice of the peace or notary public shall be appointed one of the primary judges or clerks, it shall be lawful for the primary judges to administer the oath or affirmation to each other, and to the primary clerks.

Sec. 19. [JUDGES AND CLERKS—POWERS AND DUTIES.] The primary judges and clerks, except as otherwise provided in this Act, shall perform the same duties, have the same powers, and be subject to the same penalties as judges and clerks of general elections, under the election laws of this State.



Sec. 20. [JUDGES AND CLERKS.] Primary judges and clerks shall receive the same pay, and shall be subject to the same authorities and in the same manner as judges and clerks under the provisions of the laws of this State.

Sec. 21. [CHALLENGERS.] A competent disinterested committeeman of each precinct shall appoint in writing over his signature two party agents or representatives, one of whom shall be an alternate for each, as challengers for their respective precincts, for said precinct. Challengers shall be protected in the discharge of their duties by judges and peace officers and shall be permitted to remain within the polling place in such position as to see each person as he enters to vote, and said challengers shall be within the polling place throughout the canvass of the vote and until the ballots are signed. All challengers shall be qualified primary electors of the respective precincts and shall exercise the same power as challengers in the elections: *Provided*, that until the committeemen are elected for the county central committee, the county central committee shall designate said challengers.

Sec. 22. BOOTHS—ELECTIONS PROHIBITED.] All officers and persons to whom is imposed by law the duty of conducting and providing polling places for general elections, shall provide for such polling place so designed, and, if provided, a sufficient number of booths for such primary election, and shall be provided with signs

supplies and pencils; as will enable the voter to prepare his ballot for voting and in which voters may prepare their ballots screened from all observation as to the manner in which they do so; and the guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting booths. The arrangement shall be such that the voting booths can only be reached by passing within said rail. Such booths shall be within plain view of the election officers and both they and the ballot boxes shall be within plain view of those outside the guard rail. No person other than the election officers and the challengers allowed by law and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the guard rail, except by authority of the primary officers to keep order and enforce the law.

The number of such voting booths shall not be less than one to every seventy-five voters or fraction thereof, who voted at the last preceding election in the precinct or election district.

No person whatever shall do any electioneering or soliciting of votes on primary day within any polling place or within one hundred feet of any polling place.

Sec. 23. [BALLOT BOXES.] Primary ballot boxes shall be furnished by the same authorities and in the same manner and shall be of the same style and description as ballot boxes furnished for the purpose of general elections, under the general election laws of this State.

Sec. 24. [SUPPLIES.] All necessary primary poll books, tally sheets, blanks, stationery and other necessary primary supplies shall be furnished by the same authorities upon whom is imposed by law the duty of furnishing such supplies at general elections.

Sec. 25. [EXPENSES.] The expenses of conducting such primary, including per diem of judges and clerks, furnishing, warming, lighting and maintaining the polling place, and all other expenses necessarily incurred in the preparation for or conducting such primary shall be paid in the same manner, and by the same authorities or officers respectively, as in the case of elections.

Sec. 26. [POLL BOOKS—FORM—CERTIFICATES.] The primary poll book shall be substantially in the following form:

PRIMARY POLL BOOKS.

Of the primary held in the.....  
precinct of the county of.....  
.....day of.....A. D.....

Name of Voter	Residence, Street and Number	Party Affiliation		
		Republican	Democrat	Prohibitionist
1. John Jones		X		
2. Richard Smith			X	
3. John Doe				X
4. Richard Doe				
5. Charles Lee				

This is to certify that the above foregoing is a correct list of primary voters at a primary held on the..... day of.....A. D..... the..... precinct, in.....



and State of Illinois. That at said primary the undersigned judges and clerks served as required by law and are entitled to pay therefor.

Dated.....19....

.....  
.....  
.....  
Clerks of Primary Judges of Primary.

Said primary poll books shall otherwise be in form and shall contain the same certificates as nearly as may be as the poll books used in the regular election and shall be signed and attested in the same manner, as nearly as may be, as the poll books used for the purpose of regular elections.

Sec. 27. [TALLY SHEETS.] The tally sheets for each political party participating in the primary election shall be substantially in the following form:

"Tally sheets for.....(Name of political party) for the.....precinct, in the county of....., for a primary held on the.....day of.....A. D....."

The names of candidates for nomination and for State central committeemen, and precinct committeemen, shall be placed on the tally sheets of each political party by the primary clerks in the order in which they appear on the primary ballot.

Sec. 28. PETITION—FORM—NUMBER OF SIGNERS.] The name of no candidate for nomination, or State central committeemen, shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf, as provided in this Act in substantially the following form:

"We, the undersigned,  
and affiliated with the.....  
and qualified primary elec  
.....party, in the.....  
in the county of.....a  
Illinois, do hereby petition  
owing named person or per  
a candidate or candidates  
party for the nomination  
or offices hereinafter spec  
voted for at the primary  
on the.....day of.....

Name	Office
Thomas Smith	Governor.....
John Jones	Sheriff.....

Name.....Address.....  
State of Illinois, } ss.  
.....County, }

I.....do hereby c  
am upwards of the age of  
years, that I reside at No..  
in the.....of.....co  
and State of Illinois, and th  
tures on this sheet were si  
presence, and are genuine,  
the best of my knowledge a  
persons so signing were at  
signing said petitions qualifi  
the.....party, and that  
tive residences are correctl  
above set forth.

Subscribed and sworn to  
this.....day of.....



Such petitions shall consist of sheets of uniform size, and each sheet shall contain above the space for signatures an appropriate heading giving the information as to name of candidate or candidates, in whose behalf such petition is signed; the office, the political party represented, place of residence, and such other information or wording as required to make same valid; and the heading of each sheet shall be the same. Such petition shall be signed by qualified primary electors in their own proper persons only, and opposite the signature of each signer, his residence address shall be written (and if a resident of a city having a population of over 10,000 by the then last preceding federal census, the street number of such residence shall be given.) No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this section are complied with, except as herein otherwise provided. At the bottom of each sheet of such petition shall be added a statement, signed by an adult resident of the political division for which the candidate is seeking a nomination, stating his residence address (and if a resident of a city having a population of over 10,000 by the then last preceding federal census, also, stating the street and number of such residence) certifying that the signatures on that sheet of said petition were signed in his presence, and are genuine; and that to the best of his knowledge and belief the persons so signing were at the time of signing said petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before

some officer of the county in which person making such statement is authorized to administer the oath therein. Such sheets before being filed shall be neatly fastened together in a pile, by placing the sheets in a pile, fastening them together at one end in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, as to form a continuous strip or ribbon. Said petition, when filed, shall not be withdrawn or added to, and no signatures shall be revoked except by resolution filed in writing with the clerk or other proper officer with whom the petition is required to be filed, and before the filing of such petition. Whoever, in making the sworn statement above prescribed, shall knowingly, fully, and corruptly swear falsely, shall be deemed guilty of perjury, and on conviction thereof, shall be punished accordingly. Whoever forges the name of a signer upon any petition required by this Act, shall be deemed guilty of forgery, and on conviction thereof, shall be punished accordingly.

Petitions of candidates for nominations for offices herein specified, filed with the same officer, may contain the names of two or more candidates for the same political party for the same different offices.

Such petitions for nominations shall be signed:

(a) If for a State office, by not more than one thousand (1,000) nor more than two thousand (2,000) primary electors of his party.;

(b) If for a congressional office, by at least one-half of one per cent of the qualified primary electors of his party in his congressional district, as the case may be;

(c) If for a judicial office, by at least one-half of one per cent of the qualified primary electors of his party in the district or division for which the nomination is made.

(d) If for a county office, by at least one-half of one per cent of the qualified primary electors of his party cast at the last preceding general election in his county: *Provided*, that if for the nomination for county commissioner of Cook county, then by at least one-half of one per cent of the qualified primary electors of his party in his county in the district or division in which such person is a candidate for nomination.

(e) If for a city or village office, to be filled by the electors of the entire city or village, by at least one-half of one per cent of the qualified primary electors of his party in his city or village; if for alderman, by at least one-half of one per cent of the voters of his party of his ward.

(f) If for State central committee-man, by at least one hundred (100) of the primary electors of his party of his congressional district.

(g) If for a candidate for trustee of a sanitary district, by at least one-half of one per cent of the primary electors of his party, from such sanitary district.

(h) If for a candidate for clerk of the appellate court, by at least one-half of one per cent of the primary electors of his party of the district.



(i) If for any other office, by at least ten (10) primary electors of his party of the district or division for which nomination is made.

Sec. 29. U. S. SENATOR—PETITION—ADVISORY VOTE.] Any candidate for United States Senator may have his name printed upon the primary ballot of his political party by filing in the office of the Secretary of State, not less than thirty (30) days prior to the date of the April primary, in any year, a petition signed by not less than three thousand (3,000) primary electors, not more than five thousand (5,000) members of and affiliated with the party of which he is a candidate, and no candidate for United States Senator, who fails to comply with the provisions of this Act, shall have his name printed upon any primary ballot: *Provided*, that the vote upon candidates for United States Senator shall be had for the sole purpose of ascertaining the sentiment of the voters of the respective parties in the State as a whole and not by Senatorial districts.

Sec. 30. [PETITION—FILING—WITHDRAWAL.] All petitions for nomination shall be filed as follows:

(1) Where the nomination is to be made for a State, congressional, judicial or appellate court office, or for any other office, the nomination for which is made for a territorial division or district which comprises more than one county, or is partly in one county and partly in another county or counties, then such petition for nomination shall be filed in the office of the Secretary of State, not more than

sixty and not less than thirty days prior to the date of the primary.

(2) Where the nomination is to be made for a county office, except clerk of Appellate court of the first district then such petition shall be filed in the office of the county clerk not more than sixty nor less than thirty days prior to the date of the primary.

(3) Where the nomination is to be made for an office to be filled by the electors of an entire city or village, including aldermen, such petitions for nominations shall be filed in the office of the city or village clerk not more than thirty (30) nor less than fifteen (15) days prior to the date of the primary.

(4) Where the nomination is to be made for an office to be filled by the electors of a town, then such petition for nomination shall be filed in the office of the town clerk not more than thirty (30) and not less than fifteen (15) days prior to the date of the primary.

(5) The petitions of candidates for State central committeemen shall be filed in the office of the Secretary of State not more than sixty (60) days and not less than thirty (30) days prior to the primary.

(6) The Secretary of State and the various clerks with whom such petitions for nominations are filed shall endorse thereon the day and hour on which each petition was filed.

(7) Any person for whom a petition for nomination or for committeeman has been filed may cause his name to be withdrawn by his request in writing, signed by him and duly acknowledged

before an officer qualified to take  
knowledge of deeds and filed in  
office of the Secretary of State not  
than twenty-five (25) or with the pr  
clerk not less than [twelve] (12)  
prior to the date of the primary, and  
names so withdrawn shall be cert  
by the Secretary of State to the co  
clerk, or printed on the primary ba

Sec. 31. [CERTIFICATE TO COUNTY  
CLERK.] Not less than twenty  
days prior to the date of the pri  
the Secretary of State [shall] certifi  
the county clerk of each county  
names of all candidates for U  
States Senator and of all candidate  
members of the State central commi  
and of all candidates for the nomina  
for all offices, as specified in the pet  
for nominations on file in his office, w  
are to be voted for in such county, sta  
in such certificates the political affilia  
of each candidate for nomination  
committeeman, as specified in the  
petition. The Secretary of State sha  
his certificate to the county clerk ce  
to said county clerk the names of  
offices and the names of the candi  
in the order in which said offices  
said names shall appear upon the  
primary ballot, said names to appea  
the order in which petition shall  
been filed in his office.

Sec. 32. [BALLOTS—BY WHOM  
PRINTED.] The county clerk of  
county and in cities, villages and to  
the clerk thereof, as the case may  
shall prepare and cause to be pri  
the primary ballot of each pol  
party for each precinct in his respo  
county, city, village or town.

Sec. 33. [BALLOTS—NAMES PRINTED ON.] It is hereby made the duty of the county clerk of each county to cause to be printed upon the primary ballot of each party for each precinct in his county the name of each candidate whose petition for nomination has been filed in the office of the county clerk as herein provided; and also the name of each candidate whose name has been certified to his office by the Secretary of State, and in the order so certified.

It shall be the duty of the city or village or town clerk, as the case may be, to cause to be printed upon the primary ballot of each political party for each precinct in his city, village or town, as the case may be, the name of each candidate whose petition for nomination has been filed in his office, as herein provided and which is to be voted for in such precinct

Sec. 34. [BALLOTS—COLOR—SIZE, ETC.] The primary ballot of each political party shall be separately printed upon paper of uniform quality, texture and size, but the primary ballot of no two political parties shall be of the same color or tint.

The clerk, whose duty it shall be to cause to be printed the primary ballot, shall, at least fifteen (15) days prior to the date of the primary, post in a conspicuous place in his office an announcement of the color of the primary ballots of the respective parties, and, in the case of the county clerk, shall also publish such announcement for at least one (1) week in at least three (3) newspapers of general circulation in the county. In the case of the city clerk, such publi-



cation shall be made at least one week in three (3) newspapers and published in the city, if there are three newspapers printed and published in said city.

Sec. 735 [BALLETS—FORM] primary ballot of each political party for each precinct shall be arranged and printed substantially in the following:

1. At the top of the ballot shall be printed in large capital letters the words designating the ballot—if a Republican ballot, the designating words shall be: "REPUBLICAN PRIMARY BALLOT;" if a Democratic ballot the designating words shall be: "DEMOCRATIC PRIMARY BALLOT;" and in like manner for each political party.

2. Beginning not less than one inch below designating words, the name of each office to be filled shall be printed in capital letters and in the following order: United States Senator, United States Representative, judges of the supreme court, judges of the appellate court, judges of the district court, judges of the probate court, judges of the city court, judges of the village court, members of the State central committee, trustees of sanitary districts, city and village officers, or of such of the said offices as candidates are to be nominated at such primary, and precinct convention.

Below the name of each office shall be printed in small letters the direction to voters: "Vote for one;" "Vote for two;" "Vote for three;" or a number designating how many votes under that head are to be voted for.

Below the name of each office shall be printed in capital letters the name

the printing of the primary shall, not less than five (5) to the primary, transmit or delivered to the primary judges ballots of each political substantially in the form of the primary ballots, to be used at which specimen ballot shall upon paper of a different color from the official primary and it shall be the duty of the judges to post not less than each such specimen ballots in each precinct, one of each such specimen to be posted at the polling place.

Sec. 38. [BALLOTS—DE JUDGES.] The officer so charged with the printing of primary ballots shall cause to be delivered to the judges of each precinct not less than twelve (12) hours before the opening of the polls, one official primary ballot of each political party and the number thereof for each political party in each precinct shall be not less than one hundred (100) for each fifty (50) votes cast in said precinct by said political party at the last preceding election.

Sec. 39. [BALLOTS—RECEIPTS FOR.] The official primary ballots shall be put in separate sealed packages with marks on the outside thereof designating the precinct for which they are intended, and the number of ballots enclosed for each political party. A receipt therefor shall be given by the primary judge to whom such ballots are delivered, which receipt shall be signed by the proper clerk in his office.

first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such primary.

The following regulations shall be applicable to primaries:

No person shall be entitled to vote at a primary:

(a) Unless he declares his party affiliations as required by this Act;

(b) Who shall have signed the petition for nomination of a candidate of any party with which he does not affiliate, when such candidate is to be voted for at the primary;

(c) Who shall have signed the nominating papers of an independent candidate for any office for which office candidates for nomination are to be voted for at such primary; or

(d) If he shall have voted at a primary held under this Act of another political party within a period of two years next preceding such primary: *Provided*, participation by a primary elector in a primary of a political party, which under the provisions of section 2 of this Act, is a political party within a city only and entitled hereunder to make nominations of candidates for city officers only, and for no other office or offices, shall not disqualify such primary elector from participating in other primaries of his party: *And, provided*, that no qualified voter shall be precluded from participating in the pri-





applicant was, previously.  
It shall be the duty of the  
Election Commissioners  
proper forms of such affida-  
vation.

Upon the filing of such  
affirmation, the Board of E-  
lection Commissioners shall place the name of the  
primary elector in the origi-  
nal registration books for the prop-  
er precinct, and shall specify the precinct from  
which he has been transferred, if previously  
transferred, and shall add a minute opposite his name  
in the original registration books  
of the precinct from which he has been re-  
moved, indicating the precinct to which  
he has been transferred, or, as the case may be,  
shall add the name of such elector in the original regis-  
tration books for the proper precinct and  
of the registration thereof.

At least five days prior to  
the primary, the Board of E-  
lection Commissioners shall cause to be  
prepared and filed at each polling place in each  
precinct a book substantially in the form  
provided for "verification lists" under  
the election laws of this State,  
showing the address of each primary elector  
who has been registered for the primary  
election, and who has filed an affidavit, or a  
copy thereof, as above set forth.

Any primary elector  
may, on the eleventh day  
immediately preceding the  
primary, file with the Board of Elec-  
tion Commissioners an application, signed  
to by him, requesting that  
his name be placed in the  
books of such precinct by  
herein provided, shall be



and in the county of....., s  
State, since the.....day of.....  
A. D. 191....., and in the.....precin  
of the.....ward, in the city of.....  
said county and State, since the.....  
day of.....A. D. 191.....; and that I  
.....years of age; and that I am  
identical person registered in said p  
cinct for the primary by affidavit un  
the name I subscribe hereto."

Such answer shall be filed with  
Board of Election Commissioners.

The decision on each application sh  
be announced at once after hearing, a  
where such application is allowed, s  
name shall be erased forthwith.

The county court of the county  
which such city is situated shall,  
Friday and Saturday of the week p  
to the week in which such primary i  
be held, especially sit to hear such  
plications as may be made to it by p  
sons whose names have been stric  
from the registry list as above provid  
Such application shall be sworn to a  
shall state that the Board of Elect  
Commissioners has stricken such na  
from the registry list. Such appli  
tion shall be heard summarily and  
evidence may be introduced for or aga  
such application. Each case shall  
decided at once on hearing, and  
clerk of the court shall make a minut  
the disposition of each application.  
copy of such minute shall at once  
given to such Board of Election C  
missioners, and, when such minute i  
cates that the name of the applic  
shall be restored to the register,  
Board of Election Commissioners s  
forthwith cause such name to be pl  
upon the appropriate register, and i



vote at a primary shall state his name, residence and party affiliation to the primary judges, one of whom shall thereupon announce the same in a distinct tone of voice, sufficiently loud to be heard by all persons in the polling place. If the person desiring to vote is not challenged, one of the primary judges shall give to him one, and only one, primary ballot of the political party with which he declares himself affiliated, on the back of which such primary judge shall endorse his initials in such manner that they may be seen when the primary ballot is properly folded. If the person desiring to vote is challenged he shall not receive a primary ballot from the primary judges until he shall have established his right to vote as herein after provided. No person who refuses to state his party affiliation shall be allowed to vote at a primary.

Sec. 45. [CHALLENGED VOTER—AFFIDAVITS.] Whenever a person offering to vote at a primary is challenged, the person so challenged shall make and subscribe an affidavit in the following form, which shall be presented to and retained by the primary judges and clerks, and returned by them with the primary poll book:

State of Illinois, }  
County of..... } ss

I.....do solemnly swear (or affirm) that I am a citizen of the United States, of the age of twenty-one years or over and am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and am

State of Illinois,) d }  
County of..... } ss

I.....do solemnly swear (or  
affirm) that I am a household (or this  
precinct and entitled to vote at this  
primary; that I am acquainted with  
.....(name of the party challenged),  
whose right to vote at this primary  
has been challenged; that I know him  
to be an actual *bona fide* resident of this  
precinct, and that he has resided herein  
thirty days, and I verily believe he has  
resided in this county ninety days, and  
in this State one year next preceding  
this primary; that I verily believe he is  
a member of and affiliated with the  
.....party.

Subscribed and sworn to before me.  
this.....day of.....A. D 19.....

Judge of Primary.

Sec. 46. [BALLOT—HOW MARKED.]  
On receiving from the primary judges  
a primary ballot of his party, the pri-  
mary elector shall forthwith and with-  
out leaving the polling place, retire  
alone to one of the voting booths and  
prepare such primary ballot by marking  
a cross (X) in the square in front of and  
opposite the name of each candidate  
of his choice for each office to be filled.  
At the primary at which a precinct  
committeeman is to be elected the pri-  
mary elector may write or attach at the  
bottom of his primary ballot, in the  
space provided for that purpose, the  
name of one primary elector of his pre-  
cinct, member of and affiliated with his  
political party, for precinct committee-  
man. No other mark or designation

oath that he cannot read the English language, or that by reason of any physical disability he is unable to mark his ballot shall upon request, be assisted in marking his primary ballot in the same manner as provided by the general election laws of this State.

Sec. 49. [NO ADJOURNMENT OR RECESS.] After the opening of the polls at a primary no adjournment shall be had nor recess taken until the canvass of all the votes is completed and the returns carefully enveloped and sealed.

Sec. 50. [CANVASS AT POLLING PLACE.] The votes shall be canvassed in the room or place where the primary is held and the primary judges shall not allow the ballot box or any of the ballots, or the primary poll book, or any of the tally sheets to be removed or carried away from such room or polling place until the canvass of the votes is completed and the returns carefully enveloped and sealed.

Sec. 51. [BALLOTS—"DEFECTIVE ETC."] If the primary elector marks more names upon the primary ballot than there are persons to be nominated as candidates for an office, or for State central committeeman, or precinct committeeman or if for any reason it is impossible to determine the primary elector's choice of a candidate for the nomination for an office, or committeeman, his primary ballot shall not be counted for the nomination for such office or committeeman.

No primary ballot, without the endorsement of the judge's initials thereon, shall be counted. Any judge willfully



the primary poll books under each party affiliation:

(3) If the primary ballots of any political party exceed in number the names of voters of such political party entered on the primary poll books, the primary ballots of such political party shall be folded and replaced in the ballot box, the box closed, well shaken and again opened and one of the primary judges, who shall be blindfolded, shall draw out and destroy so many of the primary ballots of such political party as shall be equal to such excess:

(4) The primary judges shall then proceed to count the primary ballots of each political party separately; and as the primary judges shall open and read the primary ballots, each primary clerk shall carefully and correctly mark upon the tally sheets the votes which each candidate of the party whose name is written or printed on the primary ballot has received, in a separate column for that purpose, with the name of such candidate, the name of his political party and the name of the office for which he is a candidate for nomination at the head of such column.

Sec. 53. [CANVASS OF BALLOTS—CERTIFICATE.] As soon as the ballots of a political party shall have been read and the votes of said political party counted, as provided in the last above section, the primary clerks shall foot up the tally sheets so as to show the total number of votes cast for each candidate of said political party and for each candidate for State central committeeman and precinct committeeman, and certify the same to be correct. Thereupon

political party have been counted and set down and the tally sheets footed and the entry made in the primary poll books, as above provided, all the primary ballots of said political party, except those marked "defective" or "objected to" shall be strung upon a strong thread or twine separately for each political party in the order in which said primary ballots have been read, and shall thereupon be carefully sealed in an envelope, which envelope shall be endorsed as follows:

Primary ballots of the..... party of the..... precinct of the county of.....and State of Illinois

Below each endorsement, each primary judge shall write his name.

Sec. 55. [PRECINCT RETURNS—HOW MADE.] The primary poll books, with the certificates of the primary judges written thereon, and the tally sheets together with the envelopes containing the ballots, shall be carefully enveloped and sealed up together, properly endorsed and put into the hands of the primary judges, who shall, within forty-eight (48) hours thereafter, deliver the same to the clerk from whom the primary ballots were obtained, which clerk shall safely keep the same for three (3) months

Sec. 56. [CANVASS OF RETURNS.] As soon as complete returns are delivered to the proper clerk, the returns shall be canvassed as follows:

1. In the case of the nomination of candidates for city offices, by the mayor, the city attorney and the city clerk:

be canvassed by the Governor,  
tary of State and State Treasurer.

5. Where, in cities or villages have a board of election commission the returns of a primary are made by such board of election commission said returns shall be canvassed by the board, and, excepting in the case of nomination of candidates for any town office in such city, tabulated and the returns of such board shall be made to the county clerk.

Sec. 57. [CERTIFICATES OF NOMINATION AND ELECTION.] Each of said canvassing boards, respectively, shall, upon completion of the canvassing of the returns, make proclamation of the results of said primary for each political party and shall make and execute a certificate and unless a notice of contest shall have been filed with said canvassing board, ten (10) days after completion of the canvass, shall file such certificate in the office of the Secretary of State, or in the office of the clerk whose duty it shall be to print the official ballot for the election for which the nomination is made, as the case may be, stating thereon the name of each candidate of each political party so nominated, as shown on the returns, together with the name of the office for which he was nominated, including, in the case of the State primary canvassing board, candidates for central committeemen. In case a notice of contest shall be filed with any canvassing board, such canvassing board shall withhold its certificate until a certified copy of the decree or order of the court hearing such contest shall have been filed with such canvassing

ber, then the candidate for nomination living outside of such city having the highest number of votes of his party shall be nominated, and his name shall be placed on the official ballot at the following election.

The person receiving the highest number of votes of his party for State central committeeman of his Congressional district shall be declared elected State central committeeman from said Congressional district.

When two or more persons receive an equal and the highest number of votes for the nomination for the same office or for committeeman of the same political party, or where more than one person of the same political party is to be nominated as a candidate for the same office or committeeman, if it appears that more than the number of persons to be nominated for an office or election committeeman have the highest and equal number of votes for the nomination for the same office or for election committeeman, the board by which the returns of the primary are canvassed shall decide by lot which of such persons shall be nominated or elected, as the case may be. In such case such canvassing board shall issue notice in writing to such persons of such tie vote stating therein the place, the day (which shall not be more than five (5) days thereafter) and the hour when such nomination or election shall be so determined.

Sec. 59. [BALLOT FOR GENERAL ELECTION.] When the nomination is made for an office to be filled by the election of an entire county, and where it is the



name, and description of each person nominated for such office, as shown on the certificate of the canvassing board on file in his office.

Sec. 60. [SPECIAL ELECTIONS—FILLING VACANCIES.] Whenever a special election shall be necessary, the provisions of this Act shall be applicable to the nomination of candidates to be voted for at such special election. The officer or board or commission whose duty it is under the general election laws of this State, to call an election, shall fix a date for the primary for the nomination of candidates to be voted for at such special election. At least fifteen (15) days notice shall be given of such primary election.

In case a candidate who has been nominated under the provisions of this Act shall die before election, or decline nomination, or should the nomination for any other reason become vacant, the managing committee of the respective political parties for the territorial area in which such vacancy occurs, shall nominate a candidate or candidates from the respective parties to fill such vacancies on the ticket.

Sec. 61. [BOARD OF ELECTION COMMISSIONERS—DUTIES.] In cities having a board of election commissioners the duties herein imposed upon the county clerk or village clerk, as the case may be, shall be discharged by the board of election commissioners, in the same manner, as near as may be, and to the same extent and with like effect that the similar duties imposed by this Act are discharged by the county clerk or village clerk, as the case may be; and the board

lots for the nomination of all candidates to be voted for in such city shall be printed by the board of election commissioners and the returns of the primary held in such city shall be made to such board of election commissioners.

Sec. 62. [CONTESTS.] Any candidate whose name appears upon the primary ballot of any political party in any precinct may contest the election of the candidates nominated by his political party, upon the face of the returns, if he so desires, and may, in said county or any of the precincts thereof as to the office for which he was a candidate contest the election in such county or precinct by filing with the clerk of the county court, except in the case of candidates for the nomination for State, Congressional and Senatorial offices and for the office of county judge, a petition in writing, setting forth the grounds of contest, which petition shall be verified by the affidavit of the petitioner or other person, and which petition shall be filed within five (5) days after the completion of the canvass of the returns. The contestant shall also file with the canvassing board, which canvasses the returns for such nomination (and if for the nomination for an office, certified tabulated statements of the returns of which are to be filed with the Secretary of State), also with the county canvassing board, a notice of the pendency of the contest. In the case of a contest for the nomination for State, and Congressional offices and for the office of county judge, said petition shall be filed in the office of the clerk of the circuit court.]

Authority and jurisdiction are her-  
vested in the county court or in  
judge thereof in vacation, or in the  
cuit court or in the judges thereof  
vacation, as the case may be, to hear  
determine primary contests. When  
petition to contest a primary shall  
filed in the office of the clerk of  
court, said petition shall forthwith  
presented to the judge thereof, who  
shall note thereon the day of presen-  
tation, and shall also note thereon the  
when he will hear the same, which s  
not be more than five (5) days th  
after, and shall order issuance of s  
mons to each defendant named in  
petition.

Summons shall forthwith issue  
each defendant named in the peti-  
and shall be served in the same man-  
as is provided in cases in chanc  
Summons may be issued and served  
any county in the State. The case m  
be heard and determined by the cou-  
or circuit court in term time, or by  
judges thereof in vacation, at any t  
not less than three (3) days after  
vice of process, and shall have prefer-  
in the order of hearing to all other ca-  
The petitioner shall give security fo-  
costs.

If, in the opinion of the court  
which the petition is filed, the grou-  
for contest alleged are insufficient  
law, the petition shall be dismissed.  
the grounds alleged are sufficient in  
the court shall proceed in a sum-  
manner and may hear evidence,  
amine the returns, recount the ba-  
and make such orders and enter  
judgment as may require.  
court shall ascertain and declare



decree, as in chancery to be entered of record in the proper court, the result of such election in the territorial area for which the contest is made. The judgment of the court shall be final. A certified copy of said decree shall forthwith be made by the clerk of the court and transmitted to the board canvassing the returns for such office; and in case of contest, if for nomination for an office, tabulated statements of returns for which are filed with the Secretary of State, also in the office of the county clerk of the proper county. The proper canvassing board, or boards, as the case may be, shall correct the returns or the tabulated statement of returns in accordance with said decree.

Sec. 63. [INDEPENDENT CANDIDATES.] Nothing in this Act contained shall be construed to prevent the nomination of independent candidates by petition, as is now or may hereafter be provided by law.

Sec. 64. [LIQUOR—PENALTY.] No spirituous, malt, vinous or intoxicating liquor shall be sold or given away, nor shall any saloon, bar room or place where such liquor is sold or given away be open during the holding of any primary. Whoever violates the provisions of this section shall be fined in a sum not less than twenty-five (25) nor more than one hundred (100) dollars. It shall be the duty of the sheriff, constable, coroner and other officers of the county, the magistrates and mayors of cities to see that the provisions of this section are enforced.

Sec. 65. [FALSE SWEARING DEEMED PERJURY.] If any person whose vote is challenged, or any witness sworn to under the provisions of this Act, shall knowingly, wilfully and corruptly swear falsely, he shall be deemed guilty of perjury and on conviction thereof shall be punished accordingly.

Sec. 66. [ILLEGAL VOTING—BRIBE, ETC.—PENALTY.] (1) Whoever unlawfully votes more than once at a primary or offers to vote after having once voted at such primary, or knowing that he is not a qualified elector at a primary, wilfully votes at such primary shall, on conviction thereof, be fined a sum not exceeding one thousand (1000) dollars, or imprisoned in the county jail not exceeding one (1) year, or both, in the discretion of the court.

(2) Whoever wilfully aids or abets any one not legally qualified to vote at a primary in voting or attempting to vote at such primary; or,

(3) By unlawful means prevents or attempts to prevent any primary elector from attending or voting at a primary; or,

(4) Gives or offers to give a valuable thing or bribe to any judge, clerk of a primary, as a consideration for some act to be done or omitted to be done contrary to his official duty in relation to such primary, shall, on conviction thereof, be fined in a sum not exceeding one thousand (1000) dollars, or imprisoned in the county jail not exceeding one (1) year, or both, in the discretion of the court; any judge or clerk who shall receive, request or demand

any bribe or reward forbidden by this Act shall, on conviction, be liable to the same penalties as prescribed in this Act for giving or offering to give [such bribe or reward.

Sec. 67. [BRIBERY] DEFINED—PROSECUTION—PENALTY.] (1) Any person who shall solicit, request, demand or receive directly or indirectly, any money, intoxicating liquor or other thing of value or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used to procure the vote of any other person or persons or to be used at any poll or other place prior to or on the day of a primary for or against any candidate for office, or for or against any measure or question to be voted upon at such primary, shall be deemed guilty of the infamous crime of bribery in primaries, and upon conviction thereof in any court of record, shall be sentenced to disfranchisement by the judge of such court for a term of not less than five and not more than fifteen years, and to the county jail not less than three months or more than one year, and to pay the cost of prosecution and stand committed to the county jail until such costs are fully paid. That for a conviction of a second offense under this section, the first being alleged and proven, such offender shall be by sentence of the court forever thereafter disfranchised and deprived of the right to vote at a primary in this State, and be imprisoned in the county jail not less than one year, and be committed to jail in default of the payment of costs of prosecution until such costs are fully paid. Prosecutions may be had under



this section by indictment in the court, or by information in the courts, and the effect of a sentence of disfranchisement in either of said courts, both having jurisdiction of offenses hereunder, shall be to deprive such persons sentenced to [of] the right to vote at any primary within this State for a period of time fixed by the court convicting such person shall be convicted under this section. Any candidate or person paying, furnishing or procuring to pay or furnish, or bribing such person with money, intoxicating liquor or other thing of value, or the promise thereof, shall not be liable to prosecution therefor, but shall be a competent witness and compelled to testify in all prosecutions under this section. Any person, or a loan of money or the purchase of anything of value, or any other subterfuge shall be deemed a violation thereof.

(2) Any person who shall have been legally convicted and disfranchised by a court of competent jurisdiction shall, before the expiration of his term of disfranchisement, vote or offer to vote at any primary within this State shall, upon indictment and conviction thereof in a court of competent jurisdiction, be confined in the penitentiary for a term of years not less than five nor more than ten years.

Sec. 68. [DISORDERLY CONDUCT—PENALTY.] Whoever is disorderly at any primary shall forfeit a sum not exceeding twenty-five (25) dollars.

Sec. 69. [WAGERS—PENALTY.] Whoever bets or wagers any money, pro-



for other valuable thing upon the result of the primary, or bets or wagers money, property or other valuable thing upon the number of votes which may be given to any person at a primary, or shall receive the greatest number of votes at a primary, or agrees to pay any other person any money, property or other valuable thing in the event that a primary shall result in one way, or in the event that any person shall or shall not be nominated or shall receive a greater number of votes than others, upon conviction thereof shall be fined in a sum not exceeding one thousand (1000) dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 70. [OFFENSES OF JUDGE—PENALTY.] (1) If any judge of a primary shall permit a person to vote whose vote is challenged, without the proof required in this Act; or,

(2) Shall knowingly and wilfully permit a person to testify as a witness contrary to the provisions of this Act; or,

(3) Shall knowingly permit a person to vote who is not qualified according to law; or,

(4) Shall knowingly receive and count more than one vote from the same person at the same primary for the same office, except as allowed by law; or,

(5) Shall refuse to receive the vote of a qualified primary elector at such primary, who will make the affidavit of and proof required by this Act; or,

(6) Shall be guilty of any fraud, corruption or manifest misbehavior; or,



(7) Shall open or unfold any ballot when the same is presented to be deposited in the ballot box; or,

(8) Shall wilfully neglect to perform any of the duties required of him by this Act; shall, on conviction thereof, be fined in a sum not exceeding one thousand (1000) dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 71. [DISCLOSING HOW ELECTOR VOTED—PENALTY.] If any person wilfully or corruptly ascertains, publishes or reveals how a primary elector voted at a primary, he shall, on conviction thereof, be fined in any sum not exceeding one thousand (1000) dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 72. [OFFENSES OF CLERK—PENALTY.] If any clerk of a primary shall wilfully neglect to perform any duty required of him as primary clerk or shall be guilty of fraud, corruption or misbehavior, he shall, on conviction thereof, be fined in a sum not exceeding five hundred (500) dollars, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

Sec. 73. [FAILURE TO DELIVER RETURNS, ETC.—PENALTY.] If any judge, clerk or messenger, after having been deputed by the primary judges to deliver the primary poll books, tally sheets or returns of such election to the proper authorities where by law they are required

canvassed, wilfully or negligently fails to deliver such primary poll books, tally sheets or returns within a time prescribed by law, with the seal unbroken, he shall, upon conviction thereof, be fined in a sum not exceeding five hundred (500) dollars or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

Sec. 74. [NEGLECT OR REFUSAL OF CLERK—PENALTY.] If any county, city or town clerk wilfully refuses to perform any duty required of him by this Act, he shall, upon conviction thereof, be fined in a sum not exceeding five hundred (500) dollars and shall be liable to the person injured by reason of such neglect or refusal in an amount not exceeding five hundred (500) dollars, to be recovered in an action on the case.

Sec. 75. [OFFENSES IN CANVASSING RETURNS—PENALTY.] If any person whose duty it is to canvass the returns or make a tabulated statement thereof, shall be guilty of fraud, corruption or misbehavior in not canvassing the returns or making a tabulated statement thereof, he shall, upon conviction, be fined in any sum not exceeding five hundred (500) dollars or be imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 76. [STEALING OR DEFACING RETURNS—PENALTY.] Whoever shall wilfully and wrongfully take or carry away from the place where it has been deposited for safe keeping, or deface, mutilate or change any primary poll book, tally sheet or ballot, or any name or figure therein, shall, upon conviction

thereof, be fined in a sum not exceeding one thousand (1,000) dollars or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 77. [FALSE ENTRIES, ET PENALTY.] Any person or member of a board or any primary judge, clerk, or other officer who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing, falsifying, or unlawfully moving or secreting, or detaining the whole or any part of any ballot box, or any record, primary poll book, tally sheet, or copy thereof, oath, returns, or any other paper or document provided for in this Act, who shall fraudulently make any erasure or alteration therein, except as allowed and directed by the provisions of this Act, or who permits any other person so to do shall, upon conviction thereof, be fined in a sum not exceeding one thousand (1,000) dollars, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 78. [OTHER VIOLATIONS—PENALTY.] If any person shall commit any act prohibited herein or refrain from doing any act or duty required to be done herein, and if any person shall in any manner be guilty of a violation of this Act, whether the same is designated an offense or not, and for which no punishment is herein specially provided, such person shall, upon conviction thereof, be fined in a sum not more than twenty-five (25) nor more than one hundred (100) dollars, or

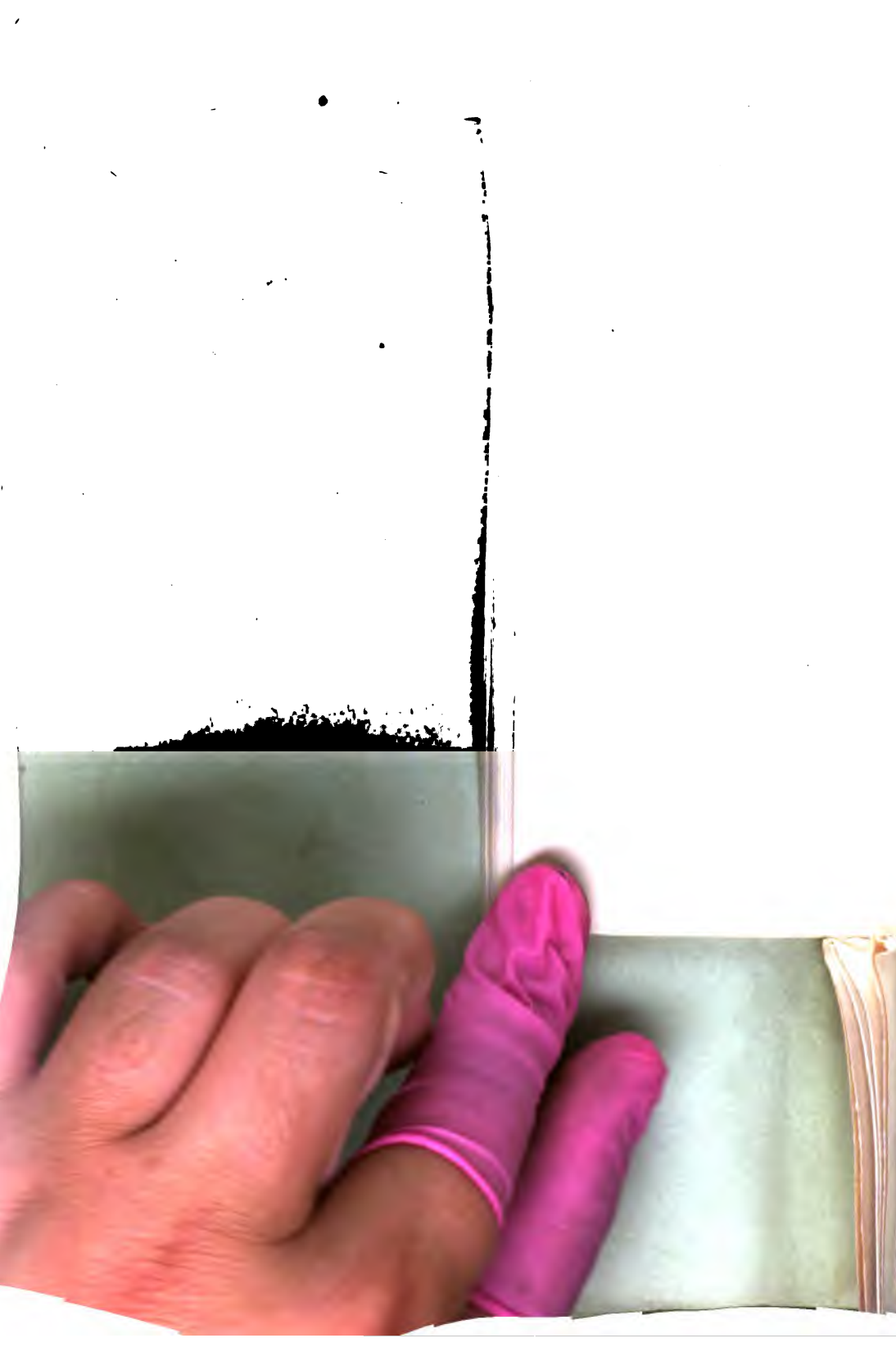
prisoned in the county jail not exceeding one year, or both, in the discretion of the court.

Sec. 79. [REPEAL.] An Act entitled "An Act to regulate primary elections of voluntary political associations and to punish frauds therein," approved June 8, 1889, in force July 1, 1889; an Act entitled "An Act providing for primary elections of delegates to nominating conventions of political parties or associations, and to provide for the purity thereof," approved April 24, 1899, in force July 1, 1899; an Act entitled "An Act providing for primary elections of delegates to nominating conventions of political parties or associations and to promote the purity thereof by regulating the conduct thereof and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto and providing for the punishment thereof," approved and in force February 10, 1898, as amended by an Act approved May 11, 1901, in force July 1, 1901; "An Act to provide for the holding of primary elections by political parties," approved February 21, 1908, in force July 1, 1908, and all other Acts and parts of Acts inconsistent with this Act are hereby repealed.

Sec. 80. [INVALIDITY.] That the invalidity of any portion of this Act shall not affect the validity of any other portion hereof, which can be given effect without such invalid part.

APPROVED MARCH 9, 1910.

IN FORCE JULY 1, 1910.





LEGISLATIVE  
PRIMARY ELECTION  
LAW.

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AN ACT TO PROVIDE FOR THE HOLDING OF PRIMARY ELECTIONS BY POLITICAL PARTIES FOR THE NOMINATION OF MEMBERS OF THE GENERAL ASSEMBLY AND THE ELECTION OF SENATORIAL COMMITTEEMEN. [APPROVED MARCH 9, 1910. IN FORCE JULY 1, 1910.]

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SECTION 1. [NOMINATIONS FOR MEMBERS OF GENERAL ASSEMBLY—SENATORIAL COMMITTEEMEN.] *Be it enacted by the People of the State of Illinois represented in the General Assembly:* The nomination of all candidates for members of the General Assembly by all political parties, and the election of senatorial committeemen, as defined in section 2 of this Act shall be made in the manner provided in this Act and not otherwise.

The name of no person, nominated by a party required hereunder to make nominations of candidates for members of the General Assembly shall be placed upon the official ballot to be voted at the election to be held the first Tuesday after the first Monday in the month of November, A. D. 1910, as a candidate unless such person shall have been nominated for such office under the provisions of this Act, and all nominations made prior to July 1, A. D. 1910, of candidates

for such office to be voted for at such election are hereby declared of no effect, and no nomination for any such office made prior to July 1, A. D. 1910 shall entitle any person so nominated to have his name placed upon the official ballot to be voted at said election.

Sec. 2. [POLITICAL PARTY DEFINED.] The term "political party" as used in this Act shall mean a political party which, at the next preceding election, the Governor polled at least two per cent of the entire vote cast in the State.

Sec. 3. [WORDS AND PHRASES.] The following words and phrases in this Act shall, unless the same be inconsistent with the context, be construed as follows:

(1) The words "senatorial officer" shall mean "senatorial officer," State Senator, Representative in the General Assembly.

Sec. 4. [DATES OF PRIMARIES.] The primary shall be held on the second Tuesday in April in every year except the year A. D. 1910, in which year the primary shall be held on the 15th day of September, A. D. 1910, in which year the elections are to be voted for on the first Tuesday after the first Monday in November of such year, for the nomination of candidates for members of the General Assembly, and shall be known as the primary: *Provided, however,* that wherever in this Act the term "primary" or equivalent words appear, such term or such words shall be construed, as to the primary held on September, A. D. 1910, to refer to the

govern such primary so held in September, A. D. 1910.

Sec. 5. [SENATORIAL COMMITTEE—HOW ELECTED.] There shall be constituted a senatorial committee for each senatorial district: *Provided, however,* that nothing herein contained shall prevent a political party from electing or appointing in accordance with its practice any other committees.

The senatorial committee of each political party shall be elected as follows:

(a) In senatorial districts comprised of three or more counties, the senatorial committee shall be composed of one member elected from each county of such senatorial district.

At the September primary held in the year A. D. 1910, and at the April primary held every two years thereafter, each primary elector may vote for one candidate of his party residing in his county for members [member] of the senatorial committee of his party.

(b) In senatorial districts comprised of two counties, the senatorial committee shall be composed of three members, two of whom shall be elected from the county in which such political party at the general election for State and county officers then next preceding a primary polled the larger number of votes in such senatorial district, and one of whom shall be elected from the other county of such senatorial district.

- At the September primary held in the year A. D. 1910, and at the April primary held every two years thereafter, each primary elector, residing in a county in which such political party at the general election for State and county



officers then next preceding a primary election, may vote in the larger number of votes in such senatorial district, may vote for two candidates of his party, residing in his county, for members of the senatorial committee of his party (and at such primary in the other county of such senatorial district, each primary elector may vote for one candidate of his party residing in his county for member of senatorial committee of his party).

(c) In senatorial districts composed of one county, and in senatorial districts wholly within the territorial limits of one county, or partly within the territorial limits of one county and partly within the territorial limits of another county, the senatorial committee shall be composed of three members elected from such senatorial district.

At the September primary held in the year A. D. 1910, and at the April primary held every two years thereafter, each primary elector may vote for two candidates of his party, residing in his senatorial district, for members of the senatorial committee of his party.

Within thirty days after its election, the senatorial committee shall meet and proceed to organize by electing from among its own number a chairman, either from its own number or otherwise, such other officers as said committee may deem necessary or expedient. The outgoing chairman of the senatorial committee of the party shall notify the members elected of the time and place (which shall be in the limits of such senatorial district) of such meeting.

Sec. 6. [EXISTING PARTY COMMITTEES RECOGNIZED—PETITION—NUMBER OF SIGNERS.] The various political party committees now in existence are hereby recognized and shall exercise the powers and perform the duties herein prescribed until committeemen are chosen, in accordance with the provisions of this Act. The name of no candidate for nomination or senatorial committeeman shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as herein provided.

All petitions for nomination shall be signed as follows:

(a) If for a senatorial office, by at least one-half of one per cent of the qualified primary electors of his party in his senatorial district.

(b) If for senatorial committeeman, by at least ten of the primary electors of his party of the county where the senatorial district is co-extensive with one county or is composed of more than one county; but in case the senatorial district is wholly within the territorial limits of one county, or partly within the territorial limits of one county and partly within the territorial limits of another county, then such petition shall be signed by at least ten (10) of the primary electors of his party of his senatorial district.

In determining the total numbers [number] of names necessary to constitute a valid petition for a candidate for nomination for a senatorial office as required by this section, the test shall be one-half of one per cent of the total vote cast by his party for Governor in the



senatorial district at the election. The Governor then next preceding the primary.

Sec. 7. [PETITION—FILING—WITHDRAWAL.] All petitions for nomination shall be filed as follows:

(1) Where the nomination is for a senatorial office such petition shall be filed in the office of the Secretary of State, not more than 60 and not less than 30 days prior to the date of the primary.

(2) The petitions of candidates for senatorial committeemen shall be filed in the office of the county clerk not more than 60 and not less than 30 days prior to the date of the primary.

(3) The Secretary of State and the various clerks with whom such petitions for nomination are filed shall endorse thereon the day and hour on which the petition was filed.

(4) Any person for whom a petition for nomination or for senatorial committeemen has been filed may cause his name to be withdrawn in writing signed by him duly acknowledged before a notary public or a justice of the peace or an officer qualified to take acknowledgments of deeds and filed in the office of the Secretary of State not less than 12 days prior to the day of the primary and no names so withdrawn shall be certified by the Secretary of State to the county clerk or printed on the primary ballot.

Sec. 8. [CERTIFICATE TO COUNTY CLERK.] Not less than twenty days prior to the date of the primary the Secretary of State shall certify



the county clerk of each county the names of all candidates for senatorial officers [offices] as specified in the petitions for nominations on file in his office, which are to be voted for in such county, stating in such certificates the political affiliation of each candidate for nomination as specified in said petition. The Secretary of State shall, in his certificate to the county clerk, certify to said county clerk the names of the candidates in the order in which said names shall appear upon the primary ballot, said names to appear in the order in which petitions shall have been filed in the office of the Secretary of State.

Sec. 9. [BALLOTS—BY WHOM PRINTED—NAMES.] The county clerk of each county or the Board of Election Commissioners, as the case may be, shall prepare and cause to be printed the primary ballot of each political party for each precinct in his respective county and the names of all candidates provided in this Act which are certified to the office of the county clerk by the Secretary of State and of all candidates for senatorial committeeman whose petitions have been filed in said office shall be placed on the same ballot as candidates for other offices for nominations to be voted for at the same primary election properly arranged, however, under the name of each office. Below the name of the office of Representative in the General Assembly shall be printed in small letters the directions to the voters, "vote for one, two or three."

Sec. 10. [NAMES ON BALLOT—ORDER.] The Secretary of State shall in his



certificate to the county clerk certifying the position which the names of candidates for senatorial offices shall occupy upon the primary ballot with reference to the position of candidates for other offices. The names of the candidates for senatorial offices shall, under the proper arrangement, be placed on the primary ballot immediately after the names of the candidates for senatorial offices, in the order in which their petitions were filed in the office of the county clerk.

**Sec. 11. REPRESENTATIVES IN THE GENERAL ASSEMBLY—NUMBER—HOW ELECTED FOR.]** At least thirty-three days prior to the date of the primary the senatorial committee of each political party shall meet and, by resolution fix and determine the number of candidates to be nominated by each party at the primary for Representatives in the General Assembly. A copy of said resolution duly certified by the chairman and attested by the secretary of the committee, shall within five days thereafter be filed in the office of the Secretary of State, and in the office of the county clerk of each county in each Senatorial district.

In all primaries for the nomination of candidates for Representatives in the General Assembly each qualified primary elector may cast three votes for one candidate or may distribute the three or equal parts thereof among two candidates or three candidates as he shall fit. And the said candidate or candidates for nomination highest in number shall be declared nominated for the office to be filled

Sec. 12. [CANVASS OF VOTES—How COUNTED.] The votes for the nomination of candidates for Representative in the General Assembly shall be canvassed in the following manner:

(1) When a cross is placed in the squares preceding the names of three (3) candidates and the ballot for Representative in the General Assembly is not otherwise marked it shall be counted as one vote for each candidate.

(2) When a cross is placed in the squares preceding the names of two candidates, and the ballot for Representative in the General Assembly is not otherwise marked, it shall be counted as one and one-half ( $1\frac{1}{2}$ ) votes for each of such candidates.

(3) When a cross is placed in the square preceding the name of one candidate, and the ballot for Representative in the General Assembly is not otherwise marked, it shall be counted as three (3) votes for such candidate.

(4) When the ballot has been so marked as to indicate the intention to cast more than three votes for the nomination of candidates for Representatives in the General Assembly, such ballot shall not be counted for any of such candidates.

The requisite number of persons receiving the highest number of votes as candidates of their party in any county, or senatorial district, as the case may be, for senatorial committeemen, shall be declared elected senatorial committeemen from such county, or senatorial district.

If the primary elector marks more names upon the primary ballot than

there are persons to be nominated for State Senator or senatorial committeeman, or if for any reason it is impossible to determine the primary electors' choice of a candidate for the nomination for State Senator or senatorial committeeman, his primary ballot shall not be counted for the nomination for such office or committee.

Sec. 13. [RETURNS OF PRIMARY CANVASS, CERTIFICATION, TABULATION] Except as herein otherwise expressly provided, each, every and all of the provisions of any Act relating to the holding of primary elections by political parties, passed by this extraordinary session of the General Assembly and Acts hereafter passed amendatory thereof, shall, so far as the same may be applicable, apply to and govern primary elections held under the provisions of this Act. The returns of such primary elections shall be made to the county clerk or board of election commissioners, as the case may be, and shall be canvassed and certified as other returns made to the county clerk or board of election commissioners, as the case may be. The county canvassing board, or the board of election commissioners, as the case may be, shall issue a certificate of election to the requisite number of persons of each political party shown by the returns to be elected members of the senatorial committee.

Tabulated statements of the results of the primary for the nomination of candidates for senatorial offices shall be made to the Secretary of State, and shall be canvassed by the State Primary Canvassing Board, proclamation of the result to

f made, and certificates of nomination  
sued, as in the case of other tabulated  
statements of returns made to the Secre-  
ary of State, and the pains and penal-  
es prescribed in the Acts last referred  
o shall apply to and govern all elections  
eld under this Act.

Sec. 14. [INDEPENDENT CANDIDATES.]  
othing in this Act contained shall be  
onstrued to prevent the nomination of  
dependent candidates by petition,  
s is now or may hereafter be provided  
y law.

APPROVED MARCH 9, 1910.

IN FORCE JULY 1, 1910.









